

Zoning Regulations

for the

Town of Windsor

Vermont

Adopted June 12, 2002
Amended October 22, 2002

Town of Windsor, Vermont

Zoning Regulations

Approved by Windsor Planning Commission January 22, 2001

Adopted by Windsor Select Board June 12, 2001

Amended by Windsor Selectboard October 22, 2002

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ARTICLE 1. AUTHORITY AND PURPOSE

Section 1.0 Enactment

In accordance with the Vermont Planning and Development Act (hereinafter referred to as the "Act") 24 V.S.A., Chapter 117, Subchapter 6, Section § 4401, there are hereby established Zoning Regulations for the Town of Windsor which are set forth in the following text and maps. These regulations shall be known as the "Town of Windsor Zoning Regulations", as amended through October 14, 1997.

Section 1.1 Purpose

The general purposes and goals set forth in the Act [§4302] (“...to encourage appropriate development of all lands in this state...” etc.) are hereby adopted by reference.

The specific purpose of these regulations is the implementation of the Windsor Town Plan by providing for the preservation of the historic development pattern of the mixed-use village surrounded by open land, agriculture, forest and low-density residential uses. These regulations seek to guide the development of Windsor for the protection of community health, safety, welfare, and quality of life.

Section 1.2 Application of Regulations

A zoning permit issued by the Administrative Officer shall be required for any land development as defined in the Act [§4303] except for development which is specifically exempted from these regulations under Article 6, Section 6.0 (B). Such permit may be issued only in conformance with these regulations and other Town ordinances, as provided in the Act [§4443]. Any use not permitted by these regulations shall be deemed prohibited.

“**Land development** means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure or land, or extension of use of land.” [§4303]

Section 1.3 Interpretation

The adoption of these regulations shall not repeal any permit previously issued. Where these regulations impose a greater restraint or restriction than is provided under any other statute, bylaw, ordinance, rule or regulation, then these regulations shall govern.

Section 1.4 Adoption and Amendments; Effective Date

In accordance with the Act [§§4403 and 4404], these regulations shall take effect immediately after adoption and may be amended according to the requirements and procedures established in the Act. The zoning regulations heretofore in effect (“Town of Windsor Zoning Bylaws, 1997”) shall be deemed repealed upon the effective date of these regulations. Any mandatory changes enacted by the state shall automatically become part of these regulations.

Section 1.5 Severability

The invalidity of any provision of these regulations shall not invalidate any other part.

ARTICLE 2. ESTABLISHMENT OF ZONING DISTRICTS AND DISTRICT STANDARDS

Section 2.0 Establishment of Zoning Districts

For the purpose of these Regulations, the Town of Windsor is divided into the following zoning districts:

| | | | |
|---------------------------------------|-------|---------------------------------|-----|
| Resource - | RES | Central Business - | CB |
| Rural - | RUR | Roadside Business - | RB |
| Low Density Residential - | LDR | Industrial - | IND |
| Medium Density Residential - | MDR | Flood Hazard Overlay District - | FLD |
| Medium Density Residential Historic – | MDR-H | Downtown Design Review | DDR |
| High Density Residential - | HDR | Overlay District- | |

Section 2.1 Zoning Map

- (A) The location and boundaries of these districts are hereby established as shown on the official Zoning Maps of the Town of Windsor entitled "Town Zoning Map" and "Village Zoning Map". These maps are hereby declared to be a part of these regulations. Regardless of the existence of copies of the maps which may be made or published, the Official Zoning Maps located in the Town Office shall be the final authority as to current status of zoning district boundaries.
- (B) The signatures of the Selectboard, as attested to by the Town Clerk, shall identify the official zoning maps. No changes of any nature shall be made on the official maps except in conformance with zoning amendment procedures and requirements set forth in the Act [§§4403-4404].

Section 2.2 Density and Lot Size Classification

In certain districts created by these Regulations, the lot size and/or density requirements vary depending on the availability of certain essential services. In the MDR and HDR districts, whether a lot is class "1", "2", or "3" depends on the availability of municipal water and sewer services to that lot. In the RUR district, whether the maximum density is Class "A" or "B" depends upon whether or not the parcel is part of a Planned Residential Development (PRD see Section 5.5). The classification system hereby established is as follows:

| | |
|--------------------|--|
| Lot Classification | Provision for Water & Sewer Service |
| Class 1 | Municipal Water and Sewer |
| Class 2 | Municipal Sewer Only |
| Class 3 | Individual sewer and Individual or Municipal Water |
| Class A | PRD Lot (Section 5.5) |
| Class B | Conventional Lot |

The purpose of Class A is to allow for higher density development in outlying areas where it is suitable, if it is designed to conserve open spaces, cluster units and minimize the need for new capital improvements.

Section 2.3 Interpretation of Zoning District Boundaries

(A) Using the following guidelines, the Administrative Officer shall determine the boundaries of the Zoning Districts:

- (1) Where district boundaries are indicated as approximately following streets or highways, the centerlines of such street or highway rights-of-way shall be construed to be the boundary.
- (2) Where two district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be the boundary.
- (3) Where district boundaries are shown as paralleling streets or highways, such boundaries shall be construed as running parallel to the center lines of the rights-of-ways of such streets or highways at such distance therefrom as is indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.
- (4) Where the boundary of a district follows a railroad line, such boundary shall be construed to be the middle of the main track of the railroad line.
- (5) Where the boundary of a district follows a river, stream, lake, or pond, the boundary shall be construed to be the normal high water mark of the river, stream, lake, or pond.

(B) When the Administrative Officer cannot definitely determine the location of a district boundary by the scale or dimensions given on the official zoning map or by the above rules, the Planning Commission may be consulted prior to making the final determination. Upon appeal from the decision of the Administrative Officer as to a boundary location, the Development Review Board shall make the necessary interpretation under Section 6.1.

Section 2.4 Application of District Standards

- (A) The standards for each district apply uniformly to each class of use and/or structure, unless otherwise specified in these regulations. All uses and structures must comply with all prescribed standards for the district in which they are located as set forth in Tables 2.1 - 2.10, unless otherwise permitted under Planned Residential Development (PRD) or Planned Unit Development (PUD) pursuant to Section 5.5. Non-conforming uses and non-complying structures shall be regulated in accordance with Section 4.8.
- (B) Additional Overlay Districts shall be applied concurrently with the standards for underlying districts. Where overlay districts impose more restrictive standards on the use of a structure or land, the standards of the overlay district shall apply.
- (C) Uses for each district are classified as “**permitted**,” to be reviewed in accordance with Section 6.0, or “**conditional**” to be reviewed in accordance with Section 5.3.

Section 2.5 Zoning District Objectives, Uses and Specific Standards

Tables 2.1–2.10 set forth the stated purpose, allowable uses and specific standards for each zoning district.

Table 2.1 Resource District (RES - 10 & 25)

(1) Purpose: The purpose of the Resource District is to limit development on certain lands which, due to severe physical limitations and the presence of sensitive natural features, significant potential for productive agricultural or forestry use, and special recreational and scenic qualities, should be protected. Although very low intensity uses are permitted, they should still be preceded by careful site inspection and thorough site planning.

(2) Permitted Uses: (Requires Permit) (See Section 6.0)

1. Accessory Use/Structure
2. Agriculture
3. Home Child Care Facility (fewer than 6 children – see Section 3.12)
4. Forestry
5. Home Occupation (see Section 3.11)
6. Single Family Dwelling
7. Two-Family dwelling

(3) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1B)
2. Correctional Facility
3. Day Care Facility (6 children or more – see Section 3.7)
4. Garden Center
5. Home Business (see Section 3.11)
6. Outdoor Recreation
7. Public Facility (Closed)
8. Telecommunications Facility (see Section 3.19)

(4) Dimensional Standards (unless otherwise specified by use type):

| | RES-25 | RES-10 |
|-----------------------|---------------|---------------|
| Minimum Lot Size | 25 acres | 10 acres |
| Minimum Frontage | 500 ft | 400 ft |
| Minimum Front Setback | 50 ft | 50 ft |
| Minimum Side Setback | 50 ft | 50 ft |
| Minimum Rear Setback | 75 ft | 75 ft |
| Maximum Height | 40 ft | 40 ft |

Table 2.2 Rural District (RUR)

(1) Purpose: The purpose of the Rural District is to allow low density development in a rural setting while protecting the natural resource value of land which is essentially undeveloped in areas of town serviced by unimproved public roads, while protecting and maintaining important wildlife habitat, significant natural resources and traditional land uses including agriculture and forestry. Within the Rural District, clustered residential development is permitted in appropriate locations in a manner that preserves open spaces and associated natural resources.

(2) Permitted Uses: (Requires Permit) (See Section 6.0).

1. Accessory Use/Structure
2. Agriculture
3. Cemetery
4. Forestry
5. Home Child Care Facility (fewer than 6 children – see Section 3.12)
6. Home Occupation (see Section 3.11)
7. Single Family Dwelling
8. Two-Family Dwelling

(3) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1B)
2. Campground (see Section 3.6)
3. Day Care Facility (6 children or more – see Section 3.7)
4. Extraction of Earth Resources (see Section 3.8)
5. Garden Center
6. Home Business (see Section 3.11)
7. Kennel (see Section 3.13)
8. Outdoor Recreation
9. Public Facility (closed) (see Section 3.17)
10. Veterinary Hospital

(4) Dimensional Standards (unless otherwise specified by use type):

Class A – PRD Lot (See Section 5.5)

Class B – Conventional Lot

| | Class A | Class B |
|-----------------------|------------------------|----------------|
| Minimum Lot Size | 20,000 ft ² | 5 acres |
| Maximum Density | 1 unit/2 acres | 1 unit/5 acres |
| Minimum Frontage | -- | 300 ft |
| Minimum Front Setback | -- | 50 ft |
| Minimum Side Setback | -- | 50 ft |
| Minimum Rear Setback | -- | 75 ft |
| Maximum Height | 40 ft | 40 ft |

Table 2.3 Low Density Residential District (LDR)

(1) Purpose: The purpose of the Low Density Residential District is to provide moderate density residential development and limited commercial activities outside of the village on lands generally suitable for on-site sewage disposal and serviced by improved public roads. Although single lot development is expected in this district, cluster development is also encouraged.

(2) Permitted Uses: (Requires Permit) (See Section 6.0).

1. Accessory Use/Structure
2. Agriculture
3. Bed and Breakfast
4. Forestry
5. Home Child Care Facility (fewer than 6 children – see Section 3.12)
6. Home Occupation (see Section 3.11)
7. Single Family Dwelling
8. Two-Family Dwelling

(3) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1B)
2. Cemetery
3. Cottage Industry (see Section 3.11)
4. Day Care Facility (6 children or more – see Section 3.7)
5. Extraction of Earth Resources (see Section 3.8)
6. Garden Center
7. Health Care Facility
8. Home Business (see Section 3.11)
9. Inn
10. Kennel (see Section 3.13)
11. Outdoor Recreation
12. Public Facility (closed) (see Section 3.17)
13. Retail-Recreational
14. Rooming House

(4) Dimensional Standards (unless otherwise specified by use type):

| | |
|----------------------------|------------------------|
| Minimum Lot Size | 40,000 ft ² |
| Minimum Frontage | 150 ft |
| Minimum Front Setback | 40 ft |
| Minimum Side Setback | 30 ft |
| Minimum Rear Setback | 40 ft |
| Maximum Height | 40 ft |
| Maximum Structure Coverage | 15 % |

Table 2.4 Medium Density Residential District (MDR and MDR-H)

(1) Purpose: The purpose of this District is to provide for medium density residential development in a compact, neighborhood setting in areas near municipal services and which are serviced or proposed to be serviced by public water and sewer facilities.

(2) Permitted Uses: (Requires Permit) (See Section 6.0).

1. Accessory Use/Structure
2. Agriculture
3. Bed & Breakfast
4. Forestry
5. Home Child Care Facility (fewer than 6 children – see Section 3.12)
6. Home Occupation (see Section 3.11)
7. Single Family Dwelling
8. Two-Family Dwelling

(3) Conditional Uses (see Section 5.3):

1. Accessory Dwelling¹ (see Section 3.1B)
2. Cemetery
3. Cultural Facility
4. Day Care Facility (6 children or more – see Section 3.7)¹
5. Funeral Home¹
6. Health Care Facility¹
7. Home Business (see Section 3.11)
8. Inn¹
9. Multi-Family Dwelling¹
10. Outdoor Recreation¹
11. Place of Worship
12. Public Facilities (open)¹ (see Section 3.17)
13. Residential Care Facility¹
14. Rooming House¹

¹Uses not permitted in MDR-H district designated on the Zoning Map

(4) Dimensional Standards (unless otherwise specified by use type):

| | Class 1 | Class 2 | Class 3 |
|----------------------------------|------------------------|------------------------|------------------------|
| Minimum Lot Size | 12,000 ft ² | 20,000 ft ² | 40,000 ft ² |
| Minimum Lot Size per Family Unit | 6,000 ft ² | 10,000 ft ² | 20,000 ft ² |
| Minimum Frontage | 75 ft | 100 ft | 150 ft |
| Minimum Front Setback | 30 ft | 40 ft | 40 ft |
| Minimum Side Setback | 12 ft | 20 ft | 30 ft |
| Minimum Rear Setback | 30 ft | 30 ft | 40 ft |
| Maximum Height | 40 ft | 40 ft | 40 ft |
| Maximum Structure Coverage | 30% | 20% | 15% |

Class 1 – Municipal Water and Sewer

Class 2 – Municipal Sewer or Municipal Water

Class 3 – Individual Sewer and Individual or Municipal Water

Table 2.5 High Density Residential District (HDR)

(1) Purpose: The purpose of this District is to provide for high density residential development in an area which is centrally located, with municipal and community services nearby, and ample public sewer and water facilities.

(2) Permitted Uses: (Requires Permit) (See Section 6.0).

1. Accessory Use/Structure
2. Home Child Care Facility (fewer than 6 children – see Section 3.11)
3. Home Occupation (see Section 3.11)
4. Single Family Dwelling
5. Two-Family Dwelling

(3) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1B)
2. Community Center
3. Cultural Facility
4. Day Care Facility (6 children or more – see Section 3.7)
5. Funeral Home
6. Health Care Facility
7. Home Business (see Section 3.11)
8. Mixed Use (see Section 3.14)
9. Multi-Family Dwelling
10. Outdoor Recreational Use
11. Place of Worship
12. Private Clubhouse
13. Public Facility (open) (see Section 3.17)
14. Residential Care Facility
15. Rooming House
16. School

(4) Dimensional Standards (unless otherwise specified by use type):

| | |
|----------------------------------|-----------------------|
| | Class 1 |
| Minimum Lot Size | 7,000 ft ² |
| Minimum Lot Size per Family Unit | 2,000 ft ² |
| Minimum Frontage | 75 ft |
| Minimum Front Setback | 25 ft |
| Minimum Side Setback | 10 ft |
| Minimum Rear Setback | 20 ft |
| Maximum Height | 60 ft |
| Maximum Structure Coverage | 40 % |

Class 1 - Municipal Water and Sewer

Table 2.6 Central Business District (CB)

(1) Purpose: The purpose of the Central Business District is to promote a mix of retail, personal, professional, civic and residential uses at high densities in Windsor's traditional downtown in a manner that maintains and enhances the area's historic character and economic vitality.

(2) Permitted Uses: (Requires Permit) (See Section 6.0).

1. Accessory Use/Structure
2. Bed and Breakfast
3. Bank
4. Community Center
5. Cultural Facility
6. Home Child Care Facility (fewer than 6 children - see Section 3.12)
7. Home Occupation (see Section 3.11)
8. Home Business (see Section 3.11)
9. Indoor Recreational Facility
10. Multi-Family Dwelling
11. Passenger Transportation Terminal
12. Personal Service
13. Place of Worship
14. Printing Service
15. Private Clubhouse
16. Professional/Business Office
17. Public Facility (open) (see Section 3.17)
18. Restaurant
19. Retail Store/Service
20. School
21. Self-Service Laundry
22. Single Family Dwelling
23. Two-Family Dwelling

(3) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1B)
2. Bar
3. Car Wash/Detailing
4. Day Care Facility (6 children or more - see Section 3.7)
5. Enclosed Manufacturing Business
6. Gasoline Station (see Section 3.10)
7. Health Care Facility
8. Inn
9. Mixed Use (see Section 3.14)
10. Parking Area
11. Professional School
12. Research and Development Business
13. Residential Care Facility
14. Restaurant, Drive-through
15. Temporary Shelter

(4) Dimensional Standards (unless otherwise specified by use type):

| | Class 1 |
|----------------------------------|-----------------------|
| Minimum Lot Size | 5,000 ft ² |
| Minimum Lot Size per Family Unit | 1,000 ft ² |
| Minimum Frontage | 50 ft |
| Minimum Front Setback | 0 ft |
| Minimum Side Setback | 0 ft |
| Minimum Rear Setback | 0 ft |
| Maximum Height | 60 ft |
| Maximum Structure Coverage | 90 % |

Class 1 - Municipal Water and Sewer

Table 2.7 Roadside Business District (RB)

(1) Purpose: The purpose of the Roadside Business District is to allow limited automobile-oriented businesses and other uses along major travel corridors contiguous to the Village center, while maintaining safe and efficient traffic flow and preserving the scenic character of the corridor.

(2) Permitted Uses: (Requires Permit) (See Section 6.0).

1. Accessory Use/Structure
2. Agriculture
3. Home Business (see Section 3.11)
4. Home Child Care Facility (fewer than 6 children – see Section 3.12)
5. Home Occupation (see Section 3.11)
6. Rooming House
7. Single Family Dwelling
8. Two-Family Dwelling

(3) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1B)
2. Contractor's Yard
3. Cottage Industry (see Section 3.11)
4. Day Care Facility (6 children or greater – see Section 3.7)
5. Enclosed Manufacturing Business
6. Enclosed Self-Storage Facility
7. Gasoline Station (see Section 3.10)
8. Indoor Recreational Facility
9. Inn
10. Kennel (see Section 3.13)
11. Mixed Use (see Section 3.14)
12. Mobile Home Park (see Section 3.16)
13. Personal Service
14. Professional/Business Office
15. Public Facility (closed) (see Section 3.17)
16. Restaurant
17. Retail Store/Service
18. Self-Service Laundry
19. Trucking Terminal
20. Veterinary Hospital
21. Warehouse/Wholesale Distribution

(4) Dimensional Standards (unless otherwise specified by use type):

| | Permitted | Conditional |
|----------------------------------|------------------------|------------------------|
| Minimum Lot Size | 20,000 ft ² | 40,000 ft ² |
| Minimum Lot Size per Family Unit | 10,000 ft ² | -- |
| Minimum Frontage | 100 ft | 300 ft |
| Minimum Front Setback | 60 ft | 50 ft |
| Minimum Side Setback | 20 ft | 50 ft |
| Minimum Rear Setback | 40 ft | 75 ft |
| Maximum Structure Coverage | 20 % | 50 % |
| Maximum Height | 60 ft | 60 ft |

Table 2.8 Industrial District (Ind)

(1) Purpose: The purpose of the Industrial District is to reserve areas to be used exclusively for high-intensity manufacturing, wholesaling or processing activities in areas with good highway access, and to protect such areas from intrusion of incompatible residential and commercial uses.

(2) Permitted Uses: (Requires Permit) (See Section 6.0)

1. Accessory Use/Structure
2. Agriculture

(3) Conditional Uses (see Section 5.3):

1. Bulk Fuel Storage and Distribution
2. Contract Cleaning Business
3. Contractor's Yard
4. Enclosed Manufacturing Business
5. Enclosed Self-Storage Facility
6. Extraction of Earth Resources (see Section 3.8)
7. Hazardous Waste Management Facility
8. Indoor Recreational Facility
9. Industrial Supply Business
10. Machinery or Equipment Sales and Services
11. Mixed Use (see Section 3.14)
12. Outdoor Recreation
13. Printing Business
14. Professional/Business Office
15. Public Facility (closed) (see Section 3.17)
16. Research and Development Business
17. Restaurant
18. Retail Store/Service [ancillary to manufacturing]
19. Solid Waste Management Facility
20. Trucking Terminal
21. Warehouse/Wholesale Distribution

(4) Dimensional Standards (unless otherwise specified by use type):

| | IND-40 | IND-20 |
|----------------------------|------------------------|------------------------|
| Minimum Lot Size | 40,000 ft ² | 20,000 ft ² |
| Minimum Frontage | 150 ft | 100 ft |
| Minimum Front Setback | 60 ft | 40 ft |
| Minimum Side Setback | 30 ft | 20 ft |
| Minimum Rear Setback | 40 ft | 30 ft |
| Maximum Structure Coverage | 75 % | 75 % |
| Maximum Height | 60 ft | 60 ft |

Table 2.9 Flood Hazard Overlay District (FId)

(1) Purpose: The purpose of the Flood Hazard Overlay District is to promote public health, safety and welfare by preventing or minimizing hazards to life of property due to flooding. It is also the intent of Windsor to regulate development within identified flood hazard areas in accordance with state and federal law in order to ensure that private property owners are eligible for flood insurance through the National Flood Insurance Program (NFIP) (see also Article 5).

(2) Applicability (see Section 5.6)

- (A) Uses specifically permitted within the Flood Hazard Area Overlay specifically include agriculture and forestry; unimproved open space, recreational and educational uses; and those uses generally permitted within existing single family dwellings (i.e., residential day care facilities and group homes, and home occupations as defined).
- (B) All other uses and structures, including but not limited to new or expanded single family dwellings, shall be subject to flood hazard review under Article V, as well as all other applicable municipal and state regulations.

(3) Dimensional Standards:

- (A) Standards as set forth for the underlying district unless otherwise specified under Article 3 and or Article 5.
- (B) Where this overlay imposes more restrictive standards on the construction and use of structures or land, the more restrictive standards shall apply.

Table 2.10 Downtown Design Review Overlay District (DDR)

(1) Purpose: The purpose of the Design Control Overlay District is to preserve and enhance the community's historic resources within a defined area of downtown Windsor, and to encourage new construction that will reinforce the best qualities of the architectural character of the area.

(2) Applicability (see Section 5.4)

All uses allowed as a permitted or conditional use in the underlying zoning district shall be subject to review and approval of the Development Review Board in accordance with Section 5.4.

(3) Dimensional Standards:

Standards as set forth for the underlying district unless otherwise specified under Article 3 and/or Article 5.

ARTICLE 3. SPECIFIC USE STANDARDS

Section 3.0 Specific Standards for Designated Uses

The following standards shall apply to the designated use in all zoning districts in which the respective uses are allowed. Such uses may be subject to conditional use review in accordance with Section 5.3. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive standard shall apply.

Section 3.1 Accessory Dwelling

- (A) Attached two-family dwellings are permitted in all districts in which single family dwellings are permitted. This provision is intended, in part, to meet all statutory requirements pertaining to accessory apartments included in the Act [§4406(D)].
- (B) One accessory dwelling detached from a principle, single-family dwelling may be permitted in accordance with the following:
 - (1) The accessory dwelling shall meet all setbacks and other dimensional requirements for the district in which it is located; or, for an existing non-complying structure, the accessory dwelling shall in no way increase the degree of non-compliance under Section 4.8.
 - (2) The floor area shall not exceed 30 percent of the total floor area of the principal dwelling or 800 square feet, whichever is less.
 - (3) It shall be demonstrated to the satisfaction of the Development Review Board that adequate water supply, septic system, and off-street parking capacity exist to accommodate residents of the accessory dwelling.
 - (4) The permit for the accessory dwelling shall clearly state that the dwelling is an accessory structure to the single-family residence and shall be retained in common ownership. An accessory dwelling may only be subdivided and/or converted for sale or use as a single or multi-family dwelling if it meets all current local and state regulations applying to such dwellings, including all density, dimensional and other requirements for the district in which it is located. A separate zoning permit shall be required prior to sale and/or conversion.

Section 3.2 Accessory Structures

Accessory structures, other than fences and signs, shall be included in determinations of structure coverage, and conform to the district setback requirements. See Section 6.0 (B) for exemptions.

Section 3.3 Adaptive Reuse

- (A) The purpose of this category of use is to enable the continued viability of historic barns in the Town of Windsor that have outlived their original agricultural function, including non-complying structures, by permitting additional uses within the current dimensions of such structures, subject to conditional use review under Section 5.3 and the provisions of this Section.
- (B) Structures which shall be considered appropriate for adaptive reuse include historic barns, carriage houses and related buildings which:

- (1) have historical or architectural significance to the town, as determined by the Development Review Board from application information, listing on federal or state historic site registers or surveys, and/or evidence provided in hearing;
 - (2) are no less than 50 years old; and
 - (3) have a minimum floor area of 800 square feet.
- (C) Structures determined to be appropriate for adaptive reuse may be put to one or more of the following uses in any zoning district subject to conditional use approval under Section 5.3:
- (1) any use permitted within the district in which the structure is located;
 - (2) multi-family dwelling;
 - (3) enclosed storage facility;
 - (4) enterprises whose principal use is the processing and/or sale of agricultural or forest products (e.g., farm produce stores, food cooperatives, woodworking and furniture shops);
 - (5) uses associated with local arts, crafts and culture (e.g., museum, craft shop, gallery, antique shop, cultural center);
 - (6) other use as determined by the Development Review Board to meet the intent of this Section and conditional use criteria under Section 5.3.
- (D) It also shall be demonstrated to the satisfaction of the Development Review Board that:
- (1) adequate water supply, septic system, and off-street parking capacity exist to accommodate proposed use; and
 - (2) any proposed exterior renovations conform to guidelines set forth in the most recent edition of *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* [36 CFR 67].

Section 3.4 Agricultural Product Sales

- (A) In designated zoning districts, agricultural produce may be sold on a seasonal or permanent basis in connection with an on-premise agricultural use including nurseries, greenhouses, and orchards provided that:
- (1) Seasonal stands are located twenty (20) feet from streets and lot lines;
 - (2) Other buildings comply with the setback requirements of the district; and
 - (3) Adequate provision is made for off-street parking.

Section 3.5 Campers/Recreational Vehicles

- (A) Campers (travel trailers, recreation vehicles) shall be parked in an approved campground or on an approved sales lot, with the exception that not more than one (1) camper may be located on a residential or undeveloped lot subject to the following:
- (1) Campers that are temporarily occupied, in accordance with this Section, shall be located in a side or rear yard and may not be located within required setbacks for the district.
 - (2) It is not occupied for dwelling purposes for more than thirty (30) days within any one calendar year.
 - (3) It is not hooked up to a water system, septic system or other utilities.
 - (4) Any sewage generated shall be disposed of in accordance with all applicable local, state and federal regulations.
- (B) Nothing shall prohibit a property owner from parking his/her camper, travel trailer or recreation vehicle on his/her property.

Section 3.6 Campground

- (A) A new or expanded travel trailer, recreational vehicle, or primitive campground may be permitted in designated zoning districts subject to conditional use review under Section 5.3 and site plan approval under Section 5.2, state agency referral as applicable under Section 6.0, and the following additional provisions:
- (1) The campground shall be located on a lot of no less than five (5) acres in area, with at least 20 percent of the total campground area set aside for recreation and open space.
 - (2) The campground shall operate for a period not to exceed six (6) months (180 days) during any calendar year. Recreational vehicles may only be stored on the property provided they are registered for highway use and not occupied when the campground is not in operation.
 - (3) All campgrounds shall meet minimum setback requirements for the districts in which they are located. Buffer areas of at least 50 feet in width along property boundaries, and 100 feet in width along public rights-of-way and waters, shall be maintained. Buffer areas shall not be included in the calculation of open space under Subsection (1). No building, campsite, parking or service area shall be located in buffer areas. The Development Review Board may reduce or eliminate buffer requirements if such modification will serve to preserve a scenic view, provided that privacy for adjoining property owners can be maintained.
 - (4) Landscaping and/or fencing along property boundaries shall be required as appropriate for screening, security, and privacy.
 - (5) Campgrounds shall provide lavatory, shower, and toilet facilities sufficient to serve all campsites. Wastewater disposal systems must be designed and installed in accordance with applicable municipal and state regulations.
 - (6) A campground shall provide sufficient access and parking for each campsite. Each campsite shall be at least 2,000 square feet in area.

- (B) For substantially undeveloped, primitive camping areas (e.g., tenting areas), the Development Review Board may waive any or all of the requirements under subsection (A) if it is demonstrated to the Board's satisfaction that access, total lot area, campsite area, and setback distances are sufficient to:
 - support the proposed level of use, and
 - avoid any adverse impacts to water quality, natural areas, and adjoining properties and uses.

Section 3.7 Day Care Facilities

Day care facilities operated in a residence involving the care of 7 or more children and non-residential day care facilities may be permitted in designated zoning districts subject to conditional use review under Section 5.3. See Section 3.12 Home Child Care Facility for in-home care of less than 7 children.

Section 3.8 Extraction of Earth Resources

- (A) The following standards for operation and rehabilitation of earth removal operations shall apply to new, and extension of extraction operations in existence prior to the adoption of these regulations. The removal of soil, sand, rock, stone or gravel, except when incidental to the construction of a building on the same premises, may be permitted in designated zoning districts subject to conditional use review in accordance with Section 5.3 and findings that the proposed activity meets the standards below in addition to any other applicable standards contained in these regulations.
- (B) **Application Requirements.** In addition to application requirements under Sections 6.0 (C) and 5.1, the applicant shall submit two (2) copies of proposed erosion control and site restoration plans showing: existing grades, drainage and depth to water table; the extent and magnitude of the proposed operation including proposed project phasing; and finished grades at the conclusion of the operation.
- (C) In granting approval, the Development Review Board shall find that the proposed activity will not cause a hazard to public health or safety, or otherwise have an undue adverse effect on:
 - (1) neighboring properties and uses;
 - (2) public facilities and services;
 - (3) surface and ground water; or
 - (4) the scenic or natural beauty of the area, other aesthetic values, historic sites or rare or irreplaceable natural resources or areas.
- (D) In granting approval, the Development Review Board may consider and impose conditions with respect to the following factors, as it deems appropriate:
 - (1) depth of excavation or quarrying above the water table;
 - (2) slopes created by removal;
 - (3) effects on surface drainage on and off-site;
 - (4) storage of equipment and stockpiling of materials on-site;
 - (5) hours of operation for blasting, trucking, and processing operations;
 - (6) effects on neighboring properties due to blasting, excavation or crushing activities, or other noise, dust, or vibration;

- (7) creation of nuisances or safety hazards;
 - (8) effects on traffic and road conditions, including potential physical damage to public highways;
 - (9) the rate of extraction and number and frequency of truck trips;
 - (10) temporary and permanent erosion control;
 - (11) effect on ground and surface water quality, and drinking water supplies;
 - (12) effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
 - (13) effect on agricultural land; and
 - (14) site reclamation.
- (E) **Surety Requirement.** In accordance with the Act [§4407(8)] a performance bond, escrow account, or other surety acceptable to the Selectboard, may be required to ensure site reclamation upon completion of excavation projects, to include any regrading, reseeding, reforestation or other activities that may be required.

Section 3.9 Filling of Land

Filling of land with loam, rock, gravel, sand or other such material is allowed in all districts as a permitted use provided that:

- (1) Finish contours are graded and measures taken to prevent erosion; and
- (2) Natural drainage flows are not obstructed or diverted onto adjacent properties.

Section 3.10 Gasoline Stations

- (A) A gasoline station may be permitted in designated zoning districts subject to conditional use review under Section 5.3 and site plan review under Section 5.2, and the following additional provisions:
- (1) All buildings, equipment and storage areas shall be set back at least 100 feet from all streams, surface waters and wetlands. The setback area shall be maintained as an undisturbed, vegetated buffer strip. The required setback may be increased as appropriate to protect water quality, based on local site and drainage conditions.
 - (2) Pumps, lubricating and other service equipment shall be located at least 50 feet from front, side and rear lot lines. All fuel and oil shall be stored at least 35 feet from all property lines.
 - (3) There shall be no more than 2 access driveways. No access shall exceed 40 feet in width.
 - (4) Canopies shall be limited to the minimum area required for adequate pump and apron coverage, and the minimum height required to meet applicable state and federal safety requirements. Canopy design, including materials and roof pitch, shall be compatible with surrounding buildings. Canopies are not to be used for advertising and the top (roof) and fascias (sides) shall not be illuminated. Lighting shall be located under the canopy in recessed, flush-mounted light system,

and shall be directed only on the pump and apron area. Lighting levels on station aprons, under canopies and in associated parking areas shall be the minimum required for activities.

- (5) Signs shall meet all requirements of Section 4.12. Gasoline stations, in addition to the signs allowed for businesses, are allowed to have either one pricing sign which does not exceed 12 square feet in area, or pump-top pricing signs, each not to exceed 2 square feet in area. No signs shall extend beyond the pumps.
- (6) Gasoline station siting, design and layout should be compatible with the character of the neighborhood. A suitably curbed, landscaped area shall be maintained at least 20 feet in depth along all street frontage not included in the access area. Additional landscaping and screening, and pedestrian walkways may be required as appropriate.
- (7) Retail use shall be limited to the sale of gasoline, other petroleum products, and other products associated with automobile service, maintenance and repair. The sale of other types of retail items (e.g., food or convenience items), or the provision of other services (e.g., car rentals, restaurant seating) shall be subject to conditional use review as a mixed use in designated zoning districts, and as such shall be required to meet applicable standards pertaining to each use.

Section 3.11 Home-Based Businesses

- (A) For the purposes of these regulations, three categories of home-based business are permitted within designated zoning districts, in accordance with the following standards.
- (B) **Home Occupations:** Nothing in these Regulations shall prevent a resident from using a minor portion of a dwelling for an occupation that would otherwise be prohibited in the zoning district. A home occupation shall require a zoning permit and shall:
 - (1) Be carried on only by residents of the premises,
 - (2) Involve only a service provided or a product produced by those residents,
 - (3) Be operated entirely within a principal structure and in no case shall the home occupation occupy greater than 50% of the floor area of the primary dwelling.
 - (4) Result in no exterior displays of goods and wares, or exterior storage of materials, or other exterior indications of the home occupation with the except for signs permitted in accordance with Section 4.12.
 - (5) Be clearly secondary to the use of the premises for dwelling purposes.
 - (6) Not result in traffic volumes substantially above that which would normally be expected from a residential use in the neighborhood.
 - (7) A home occupation shall be considered an accessory use.
- (C) **Home Business:** In designated zoning districts, home businesses are allowed as conditional uses with the approval of the Development Review Board in accordance with Section 5.3 and the following provisions. A home business shall:
 - (1) Be carried on by residents of the premises and not more than 2 additional on-premise employees who are not residents,

- (2) Be carried on primarily within a principal or accessory structure. No exterior storage or display of materials or goods is permitted, except for outdoor parking of two business vehicles.
 - (3) Provide off-street parking located in side or rear areas except for the first two vehicles
 - (4) Not result in hazards to public safety and welfare or to neighboring properties, and shall comply with the performance standards set forth in Section 4.10.
 - (5) Not result in traffic volumes, including but not limited to delivery truck traffic, in excess of volumes that are characteristic of the neighborhood.
 - (6) On-site wholesale and/or retail sales shall be limited to products produced on the premises and/or to products incidental and accessory to the home business.
 - (7) Be secondary to the use of the premises for dwelling purposes.
 - (8) The permit shall clearly state that the business is a home-based business that is accessory to the principal residential use, and shall be retained in common ownership and management. A home based business may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations and bylaws pertaining to such use, including all density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.
- (D) **Cottage Industries.** In designated zoning districts, cottage industries are allowed as conditional uses with the approval of the Development Review Board in accordance with Section 5.3 and the following provisions. A cottage industry shall:
- (1) Be carried on by residents of the premises and not more than 6 additional on-premise employees who are not residents,
 - (2) Be carried on primarily within a principal or accessory structure and may have exterior storage of supplies and equipment if properly screened from any adjacent highway or dwelling unit.
 - (3) Meet the requirements of subsection C (3)- (7), above.
 - (4) The permit shall clearly state that the cottage industry is a home-based business that is accessory to the principal residential use, and shall be retained in common ownership and management. A home based business may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations and bylaws pertaining to such use, including all density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.

Section 3.12 Home Child Care Facilities

In accordance with the Act [§4409(f)], a state registered or licensed home child care facility serving 6 or fewer children on a full-time basis and an additional 4 or fewer children on a part-time basis, and conducted within a single-family dwelling by a resident of that dwelling, shall constitute a permitted single-family residential use of the property. A zoning permit shall be required. See Section 3.7 Day Care Facility for care of more than 6 children in-the-home and non-residential facilities.

Section 3.13 Kennels

- (A) Within designated zoning districts, commercial kennels for the raising and/or boarding of dogs and/or small house pets is permitted with conditional use approval of the Development Review Board in accordance with Section 5.3, and with the following:
- (1) All dogs/pets must be provided with enclosed shelters designed and constructed to minimize sound as measured at the property boundaries.
 - (2) The operation of the kennel shall meet all performance standards set forth in Section 4.10, including those related to noise and odor.
 - (3) Additional setbacks and/or lot area may be required to minimize the impact to neighboring properties.

Section 3.14 Mixed Uses

- (A) In designated districts, more than one use may be permitted within a single building or on a single property subject to conditional use review in accordance with Section 5.3 and the following provisions:
- (1) Each of the proposed uses is otherwise allowed as permitted or conditional uses in the district in which the mixed use is proposed.
 - (2) The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum setbacks and frontage, maximum lot coverage and minimum lot size.
 - (3) The mixed use meets all applicable dimensional standards set forth in Article 2, and all general provisions contained in Article 4, including parking requirements under Section 4.9 based on the cumulative parking demand for the various proposed uses.

Section 3.15 Mobile Homes

In all districts mobile homes are allowed on lots as single family dwelling units if they are secured to a permanent foundation. This foundation shall be constructed of stone, concrete or other such materials and may be a full basement, sunken piles enclosed with block facing, or some other permanent construction.

Section 3.16 Mobile Home Parks

- (A) In designated zoning districts, Mobile Home Parks may be allowed with conditional use approval of the Development Review Board pursuant to Section 5.3, and in accordance with applicable state requirements [10 V.S.A., §153].
- (B) In designated zoning districts, Mobile Home Parks may only be permitted in accordance with subsection (A) above, and with approval of the Development Review Board as a Planned Unit Development in accordance with Section 5.5, and in accordance with applicable state requirements.

Section 3.17 Public Facilities

- (A) In accordance with the Act [§4409(a)], the following uses may be permitted in all zoning districts and may be approved by the Development Review Board in accordance with Sections 5.2 and 5.3. In approving such uses, the Board may regulate the use with respect to size, height, bulk, yards, courts,

setbacks, density of buildings, off-street parking and loading facilities, and landscaping or screening requirements:

- (1) Public utility power generating plants and transmission lines.
- (B) In accordance with the Act [§4409(a)], reasonable provision has been made for the following uses within designated districts, which are subject to all applicable provisions of these regulations including district requirements. Such uses are only permitted in designated zoning districts:
 - (1) State or community owned and operated institutions and facilities.
 - (2) Public and private schools and other educational institutions certified by the Vermont Department of Education.
 - (3) Churches, convents and parish houses.
 - (4) Public and private hospitals.
 - (5) Solid waste management facilities.
 - (6) Hazardous waste management facilities.

Section 3.18 Swimming Pools

Swimming pools with a water surface in excess of fifty (50) square feet, including both above ground and in-ground pools, shall be considered an accessory structure. Swimming pools shall be located no less than 20 feet from property lines or the setback set forth in Article 2 for the district in which the parcel is located, whichever is greater.

Section 3.19 Telecommunications Facilities

- (A) New or expanded telecommunication facilities, including but not limited to towers and accessory structures; may be permitted in designated zoning districts subject to conditional use review under Section 5.3 and the following provisions:
 - (1) A proposal for a new tower shall not be permitted unless it is determined by the Development Review Board that the equipment planned for the proposed tower cannot be accommodated on an existing approved tower, building or structure.
 - (2) All new towers shall be designed to accommodate both the applicant's antennas and comparable antennas for at least one additional user if the tower is less than or equal to 75 feet in height, and two additional users if it exceeds 75 feet in height. Towers must be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.
 - (3) All towers, including antennae, shall be less than 150 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component, and shall not exceed a height 20 feet greater than the average height of the adjacent tree canopy measured from a distance of 300 feet from the base of the tower. A management plan shall be prepared and submitted to the Board to ensure that the adjacent tree cover will be maintained to create the visual impression of the tower and/or associated equipment emerging from a largely unbroken tree canopy and protruding no more than 20 feet above that canopy. Towers located on cleared (un-forested) sites shall not exceed a height of 80 feet unless the Development Review Board determines that the tower will have a minimal visual impact on the landscape through careful siting to avoid prominent locations (e.g., ridges and hilltops) and through camouflaging techniques approved under subsection (8), below.

- (4) Notwithstanding the height standards set forth in subsection (3), above, all towers, including antennae, located on the summit of Mt. Ascutney shall be less than 200 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component.
- (5) No wireless telecommunication site shall be located within 500 feet of an existing residence.
- (6) Towers shall be set back from all property lines and public rights of-way for a distance equaling their total height, including attached antennas, unless otherwise permitted by the Development Review Board:
 - (a) If tower design and construction guarantees that it will collapse inwardly upon itself, and no liability or risk to adjoining or public property shall be assumed by the municipality; or
 - (b) To allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, utility pole, or similar structure, to the extent that no hazard to public health, safety or welfare results.
- (7) Tower construction and wiring shall meet all state and federal requirements, including but not limited to Federal Communication Commission requirements for transmissions, emissions and interference. No telecommunication facility shall be located or operated in such a manner that it poses a potential threat to public health or safety.
- (8) New towers shall be located to minimize their visibility. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible, though the use of vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques. Commercial wireless towers shall be of a monopole design unless the Board determines that an alternative design would better blend into the surrounding environment.
- (9) Towers shall be enclosed by security fencing at least six (6) feet in height, and shall be equipped with appropriate anti-climbing devices.
- (10) Towers shall not be illuminated by artificial means and shall not display strobe lights unless the Federal Aviation Administration or other federal or state authority for a particular tower specifically requires such lighting.
- (11) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- (12) Access roads, and all utility buildings and structures accessory to a tower shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located. Ground-mounted equipment shall be screened from view. Setback, landscaping and screening requirements may be increased as appropriate to site conditions, and to protect neighboring properties and uses. All utilities proposed to serve a telecommunications site shall be installed under ground.
- (13) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease, which requires the applicant to remove the tower and associated facilities, shall be submitted at the time of application. A bond or other acceptable form of surety shall be required to ensure tower removal and site reclamation as determined by the DRB.

- (14) All telecommunications facilities and associated devices (e.g., cooling units, emergency power generators) shall meet the performance standards set forth in Section 4.10, including standards related to noise.
- (B) In addition to the site development plan required under Section 5.2, applications for new towers shall also include:
 - (1) A report from a qualified and Vermont licensed professional engineer which describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, and fall zones;
 - (2) Information regarding the availability of existing towers and buildings located within the site search ring for the proposed site, including written documentation from other tower owners within the search ring that no suitable sites are available;
 - (3) A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use;
 - (4) Written documentation that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration; and,
 - (5) Any additional information needed to determine compliance with these regulations.
- (C) Notwithstanding the requirements of Subsection (A), wireless telecommunications equipment to be mounted on existing towers, utility poles, or other structures may be permitted by the zoning administrator in any zoning district without conditional use approval provided that:
 - (1) no changes are made to height or appearance of such structure except as required for mounting;
 - (2) the height of the antenna as mounted does not exceed height requirements under Section 4.6;
 - (3) no panel antenna shall exceed 72 inches in height or 24 inches in width;
 - (4) no dish antenna shall exceed 3 feet in diameter;
 - (5) any accompanying equipment shall be screened from view.
- (D) Telecommunications facility constructed, owned and maintained by the Town of Windsor are subject to the requirements of this section, however such municipal facilities may be located in any zoning district with conditional use approval, and shall be exempted from standards set forth in subsections A.(3), A.(5), and A.(6).
- (E) The following are specifically exempted from the provisions of these regulations:
 - (1) A single ground or building mounted radio or television antenna or satellite dish not exceeding 72 inches in diameter which is intended solely for residential use, and does not, as mounted, exceed 35 feet in height above the lowest grade at ground level.
 - (2) All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.

ARTICLE 4. GENERAL REGULATIONS

Section 4.0 Applicability

The following general standards, including provisions required under the Act [§4406, §4409], apply to all uses and structures as specified within the Town of Windsor.

Section 4.1 Access & Frontage Requirements

- (A) In accordance with the Act [§4406(2)], no land development may be permitted on lots which do not have either frontage on a public road or public waters, or with the approval of the Development Review Board, access to such a road or waters by a permanent easement or right-of-way at least twenty (20) feet in width. For access subject to Development Review Board approval, the Development Review Board may consider intended use, safety, traffic, and road and site conditions in granting or denying such approval.
- (B) Lots created after the effective date of this bylaw are subject to all access and frontage requirements contained herein, as well as applicable provisions of the Windsor Subdivision Regulations.
- (C) Access onto public roads is subject to the approval of the Windsor Selectboard, and for state highways, the Vermont Agency of Transportation. As a condition of access approval, compliance with all municipal land use regulations is required. Access permits must be obtained prior to the issuance of a zoning permit.
- (D) With the exception of parcels in agricultural or forestry use, no lot created after the effective date of this bylaw shall be served by more than one (1) access (curb cut) or driveway unless otherwise approved under site plan, conditional use and/or subdivision review. The consolidation of existing accesses (curb cuts), and/or shared access between adjoining lots is encouraged and may be required as a condition of such approval. Access or curb cut widths shall be limited to that approved, and not extend along the length of road frontage.
- (E) No driveway or highway access point shall be located within fifty (50) feet of a street line intersection.
- (F) Driveways and private roads shall not, in any 50 foot section, exceed an average grade of 12%.
- (G) No driveway shall exceed a slope of 3% within 50 feet of an intersection with the travel-way of a public or private road, or shall intersect with a road at an angle of less than 70°.
- (H) Driveways and development roads exceeding five hundred (500) feet in length shall include, at a minimum, one ten (10) foot by thirty (30) foot pull-off area.
- (I) Lot frontage requirements apply to lots served by private development roads as well lots served by public roads

Section 4.2 Conversions and Changes of Use

Conversions or changes in the use of land, existing buildings, or other structures are subject to the provisions of this bylaw as follows:

- (A) The proposed use shall be subject to all the requirements of this bylaw pertaining to such use, including but not limited to any district, general or specific requirements, as well as subdivision regulations and all other municipal regulations currently in effect.
- (B) An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure is located on a subdivided lot which conforms to the lot size, setback, parking and other requirements applicable to the relevant district and proposed use.
- (C) A conversion or change of use from one permitted use to another permitted use which involves the creation of new floor space or outdoor storage space, requires additional on-site parking, or has different minimum lot size or dimensional requirements, will require a zoning permit issued by the Administrative Officer under Section 6.0. Site plan review under Section 5.2 may also be required.
- (D) A conversion or change from a permitted use to a conditional use may be approved by the Development Review Board subject to conditional use review under Section 5.3.
- (E) A conversion or change of use involving a non-conforming use and/or non-complying structure is also subject to review under Section 4.8.

Section 4.3 Dangerous Structures

- (A) No zoning permit shall be required for the stabilization of damaged structures to prevent hazards to public health and safety, and to adjoining properties; nor for the repair, restoration, or reconstruction of a damaged structure to the extent of its prior condition and use. Rebuilding that results in density, dimensional, or use changes under the provisions of this bylaw shall require a zoning permit.
- (B) All structures that are not stabilized within one year of damage must obtain a zoning permit and shall abide by and be subject to the Town of Windsor Dangerous Buildings Ordinance [Title 4, Chapter 1].
- (C) All buildings within the Downtown Design Review Overlay District shall be reviewed in accordance with the Downtown Design Review Standards, Section 5.4 D (6).

Section 4.4 Equal Treatment of Housing

In accordance with the Act [§4406(4)]:

- (A) No provision of this bylaw shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality except upon the same terms and conditions as conventional housing is excluded.
- (B) Provisions for the establishment of mobile home parks are included under Section 3.16 pursuant to Chapter 153 of Title 10.
- (C) Provisions allowing two-family dwellings and the conditional use review of accessory dwelling units associated with primary single family residences are incorporated under Article 2 and Section 3.1, respectively. The minimum standards for accessory dwellings contained herein are inclusive of all requirements of this section of the Act.

Section 4.5 Fences

- (A) Fences shall be considered accessory structures if they are six (6) feet high or less. Fences over that height shall be conditional uses in all districts and shall be designed and built in a manner consistent

with considerations of public safety and the character of the neighborhood. See Section 5.4 for fence standards in the Downtown Design Review Overlay District.

- (B) For all fences located along property boundaries, structural supports shall face the interior of the lot.

Section 4.6 Height and Setback Requirements

- (A) The maximum height of structures in all districts shall not exceed the district maximum, except as permitted under Subsection (B), or for the following which are specifically exempted from the height requirements of this bylaw:

- (1) agricultural structures in accordance with the Act [§4495];
- (2) steeples, spires, belfries, bell and clock towers;
- (3) accessory structures associated with residential use which are less than 50 feet in height above the lowest grade at ground level, including antennas, flag poles, ornamental cupolas, chimneys, wind generators with blades less than 20 feet in diameter, and rooftop solar collectors.
- (4) telecommunication towers shall meet standards set forth in section 3.19.

- (B) The Development Review Board may permit structures in excess of the district standard subject to conditional use review under Section 5.3, upon finding that:

- (1) the structure does not constitute a hazard to public safety, or to adjoining properties;
- (2) that portion of the structure above the district maximum height shall remain unoccupied except for normal maintenance;
- (3) the structure is not to be used for advertising purposes;
- (4) lighting, if deemed necessary by the Board in accordance with state and federal regulations, shall be restricted to the minimum required for security and safe operation; and,
- (5) the proposed building height and scale are consistent with the character of the immediate surroundings.

- (D) Applications for structures within two thousand (2,000) feet of an aircraft landing strip shall be referred under Section 6.0 (C) 3 to the Vermont Agency of Transportation for review. State recommendations regarding height and related restrictions will be incorporated as a condition of the zoning permit.

- (E) Notwithstanding the minimum setback standards for front yards (setback from highway right-of-way) and side and rear yards (setback from parcel boundaries) for various zoning districts set forth in Article 2, Tables 2.1 through 2.10, the Development Review Board may allow the modification of building setbacks as a conditional use reviewed in accordance with Section 5.3 and subject to the following provisions:

- (1) The Board may allow for a reduction of the front, side and rear setback of up to 40% of the setback distance set forth in Article 2 (e.g., a 40 ft. setback may be reduced by up to 16 ft.), providing the reduction meets all conditional use standards set forth in Article 5.
- (2) Any reduction of setback standards beyond 40% may only be granted in accordance with variance

standards under Section 6.2.

This section does not apply to setbacks from surface waters set forth in Section 4.11 which shall be maintained at 50 ft.

Section 4.7 Lot and Yard Requirements

- (A) **Existing Small Lots.** In accordance with the Act [§4406(1)], any lot in individual and non-affiliated ownership from surrounding properties in existence on the effective date of this bylaw may be developed for the purpose permitted in the district in which it is located, if such lot is not less than one-eighth (1/8) of an acre with a minimum width or depth dimension of forty (40) feet.
- (B) **Merger of Small Lots.** In accordance with the Act [§4406(1)], pre-existing, contiguous undeveloped small lots in common or affiliated ownership, or such lots which subsequently come under common or affiliated ownership with one or more contiguous lots, shall be deemed merged with the contiguous lots for the purposes of this bylaw. However, such lots shall not be deemed merged, and may be separately conveyed, if *all* of the following conditions are met:
- (1) the lots are conveyed in their pre-existing, non-conforming configuration; and
 - (2) on the effective date of this bylaw, each lot had been developed with a water supply and wastewater disposal system; and
 - (3) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
 - (4) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, pursuant to the Act §4406(1)(A)(iv).
- (C) **Reduction in Lot Area.** No lot shall be so reduced in area that the area, yard, lot width, frontage, coverage or other requirements of this bylaw are less than the minimum herein prescribed for each district, except as permitted for Planned Unit or Planned Residential Development under Section 5.5.
- (D) **Required Lot and Yard Areas.** In calculating the required area, width or depth of a lot, the area of existing and proposed road rights-of-way shall be excluded. Space required under this bylaw to satisfy yard, area, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.
- (E) **Principal Structures/Uses.** There shall only be one principal structure and/or use on a lot unless otherwise permitted as a Planned Unit Development or a Mixed Use in the relevant district.
- (F) **Corner Lots.** Lots at an intersection of streets shall have the required frontage on one street and the yard adjoining this street shall be considered a front yard and shall meet minimum front yard requirements.
- (G) **Setbacks.** The shortest distance between the exterior of a building, including covered terraces and projections thereof but excluding steps, uncovered patios and terraces, and the nearest adjacent boundary of the building lot. On public rights-of-way fifty (50) feet or more wide, the front setback shall be measured from the edge of the right-of-way. On public rights-of-way of less than fifty (50) feet or of undetermined width, the front setback shall be measured from a line twenty-five (25) feet away from the centerline of the traveled portion of the roadway

- (H) **Interior Lots.** The lot frontage requirement for the district shall serve as the lot width requirement for non-frontage lots. Any interior lot which does not have frontage on a public or private development road must meet minimum setback requirements for all yards equal to the side yard setback distance for that district.
- (I) **Lot/Building Coverage.** In determining the percentage of lot or building coverage, porches, carports and other similar structures which are open at the sides but roofed, all principal and accessory buildings, and, for lot coverage only, all other impervious services such as parking areas, shall be included.

Section 4.8 Non-Conforming Uses and Non-Complying Structures

- (A) **Non-Conforming Uses.** Any non-conforming use of land, buildings or premises lawfully existing as of the effective date of this bylaw or of any pertinent amendment thereto, may be continued subject to the following conditions:
 - (1) No non-conforming use may be changed except to a conforming use, or with conditional use approval from the Development Review Board, to another non-conforming use no more objectionable in character.
 - (2) No non-conforming use shall, if once changed into a conforming use, be changed back again into a non-conforming use.
 - (3) No non-conforming use which has been discontinued for a period of one (1) year shall thereafter be resumed without conditional use approval from the Development Review Board.
 - (4) No non-conforming use shall be extended or expanded except with conditional use approval from the Development Review Board, which shall have determined that no greater detrimental effect upon the community or neighborhood will result.
- (B) **Non-Complying Structures.** Nothing in this bylaw shall prevent the maintenance or improvement of a non-complying structure provided such action does not increase the degree of non-compliance. Any non-complying structure lawfully existing as of the effective date of this bylaw or of any pertinent amendment thereto, may be maintained indefinitely subject to the following conditions:
 - (1) No non-complying structure shall be enlarged unless such enlarged portion conforms to the building requirements of this bylaw.
 - (2) No non-complying structure which has been substantially damaged or destroyed to an extent more than 75% of its value as assessed by the town shall be reconstructed or replaced by another non-complying structure except with conditional use approval from the Development Review Board, which shall have determined that no greater detrimental effect upon the community or neighborhood will result.
- (C) **Degree of Noncompliance.** For the purposes of these regulations, an extension of the degree of non-compliance shall be interpreted as a further encroachment of the non-complying feature/element beyond that point which constitutes the greatest pre-existing encroachment. An enlargement of the volume or area of a structure which does not comply with a building setback does not constitute an increase in the degree of noncompliance unless the enlargement encroaches further upon the non-complying setback. For example, if a house encroaches ten (10) feet into a setback and an attached porch encroaches fifteen (15) feet into the same setback, the degree of noncompliance will only be increased by an encroachment of greater than 15 feet into the setback. Thus, a porch could be increased in size along the length of the

house, or the living space of the house expanded to a 15 foot encroachment, without increasing the degree of noncompliance.

Section 4.9 **Parking and Loading Requirements**

- (A) Off-street parking spaces shall be provided in accordance with this section when any use is established or enlarged unless otherwise approved by the Development Review Board or waived under Subsection (C).
- (1) All required parking spaces shall have a minimum width of nine (9) feet, and a minimum length of eighteen (18) feet, excluding access and maneuvering room.
 - (2) In the CB District, off-street parking will be required only for employees, on the basis of one space per two (2) employees per shift, and for dwelling or lodging units as provided for in Table 4.1. In all other districts, off-street parking shall be required to accommodate business-owned vehicles and the vehicles of all owners, occupants, employees, customers or other persons expected to be on the premises in accordance with Table 4.1.
 - (3) In addition to the requirements listed in Table 4.1, all multi-family, commercial and industrial development must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal requirements.
 - (4) Parking may be allowed within setback areas, unless specifically prohibited under other provisions of this bylaw, or otherwise required under site plan or conditional use review.
 - (5) Non-residential parking areas shall be located to the side or rear of buildings unless otherwise approved under site plan or conditional use review, and shall be screened from adjoining residential properties.

| Table 4.1 Minimum Off-Street Parking Requirements | |
|---|--|
| Use | Parking Spaces |
| Dwelling Unit/ Single Family | 2 per unit |
| Dwelling Unit/ Accessory | 1 per unit |
| Dwelling Unit/ Two- or Multi-Family | 1.5 per unit |
| Home Occupation/Home-Based Business/Day Care | 2 per unit, and 1 per additional employee |
| Bed & Breakfast | 2 per unit, and 1 per guest room |
| Lodging Facility (Inn, Motel, Boarding House) | 1 per lodging unit (and 1 per employee on largest shift) |
| Office/Service/Retail | 1 per 300 sq. ft. of gross floor area |
| Restaurant/Bar | 1 per 3 seats, and one per employee on largest shift |
| Public Assembly (Church, Theater, etc.) | 1 per 4 seats |
| Warehouse/Manufacturer/Processor | 1 per 2 employees on the largest shift |
| Other | As determined under site plan or conditional use review |

- (6) All off-street parking lots in excess of eight (8) parking spaces shall provide landscaped areas equal to at least ten (10) percent of the total parking area which are integrated into the lot.
 - (7) The Development Review Board may require shared parking in appropriate instances.
- (B) **Loading and Service Areas.** In all zoning districts other than the Central Business District, off-street loading space shall be provided for commercial, industrial or institutional uses which will receive

shipments in vehicles too large for a standard parking space. Space provided shall be specifically for off-street loading and shall be large enough to fully accommodate the maximum number of such vehicles expected to be on the premises at any one time. Service areas also may be required for development subject to site plan or conditional use review to accommodate emergency vehicles, waste collection and disposal areas, transit service, or other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner that parked vehicles will not block or obstruct access or sight visibility at intersections.

- (C) On-site parking, loading, and/or service area requirements may be reduced or waived by the Development Review Board under site plan or conditional use review, based on a determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary:
- (1) green areas are to be set aside and maintained as open space for future conversion to parking, loading or services area in the event that the amount of space initially permitted is deemed inadequate to meet demonstrated need; or
 - (2) shared use of parking, loading and/or service areas on the same or contiguous lots by two or more establishments is proposed; or
 - (3) sufficient off-site parking has been procured (e.g., through lease agreements) in a private or municipal parking lot; or
 - (4) the proposal is specifically for the development of multi-family, elderly or affordable housing.

Section 4.10 Performance Standards

In accordance with the Act [§4407(7)] the following standards of performance are to be met and maintained by all uses in all districts. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all assessors and assigns.

- (A) No land or structure in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties.
- (B) The following standards apply to all uses, with the exception of agriculture and forestry. In determining ongoing compliance, the burden of proof shall fall on the applicant and/or all accessories and assigns. No use, under normal conditions, shall cause, create or result in:
- (1) **noise** in excess of seventy (70) decibels or which is excessive at the property line, or represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area;
 - (2) **noticeable, or clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments;
 - (3) **smoke dust, odors, noxious gases, or other forms of air pollution** which constitute a nuisance to other landowners, businesses, or residents; which endanger or adversely affect public health, safety, or welfare; which cause damage to property, business, or vegetation; or which are offensive or uncharacteristic of the area;

- (4) **releases of heat, cold, moisture, mist, fog, precipitation or condensation** beyond the property lines of the property on which it is located, or to a height likely to be detrimental to the public safety, health, or welfare;
 - (5) **any electromagnetic disturbances, or any electronic emissions** or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to the public health, safety and welfare, beyond the property lines of the property on which it is located;
 - (6) **glare, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is detrimental to the public health, safety, or welfare;
 - (7) **liquid or solid wastes or refuse** in excess of available capacities for proper disposal; which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground and surface waters; or which are otherwise detrimental to the public health, safety, and welfare; or
 - (8) **undue fire, safety, explosive or other hazard** which endangers neighboring properties, or the general public or which results in a significantly increased burden on municipal facilities and services.
- (C) Agricultural operations shall at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Department of Agriculture.
- (D) Forestry operations shall at minimum observe Acceptable Management Practices (AMPs) as defined and administered by the Vermont Department of Forests, Parks and Recreation.

Section 4.11 Protection of Ground and Surface Waters

- (A) **Surface Waters and Wetlands.** To prevent soil erosion and sedimentation of surface waters, maintain water quality and protect wildlife habitat, an undisturbed, vegetated buffer strip shall be maintained for a minimum of fifty (50) feet from all wetlands, streams and rivers, and public ponds. The fifty-foot buffer strip shall be measured from the mean water mark or delineated wetland boundary. No development, excavation, filling, clearing or grading shall occur within the buffer strip, with the exception of clearing and associated site development necessary to accommodate the following:
- (1) Road, driveway and utility crossings.
 - (2) Streambank stabilization and restoration projects, in accordance with applicable state and federal regulations
 - (3) Bicycles and pedestrian paths and trails.
 - (4) Recreation facilities, including structures, and improved lake or pond accesses.
- (B) **Non-Complying Structures.** The expansion or enlargement of any structure in existence prior to the effective date of ordinance and not in compliance with subsection (A), above, is permitted with approval of the Development Review Board pursuant to Section 4.8.
- (C) **Source Protection Areas.** In order to protect community water supplies, the following potential sources of contamination are specifically prohibited within designated Source Protection Areas, unless it is demonstrated to the satisfaction of the Development Review Board under conditional use review (Section 5.3) that no potential for contamination of a water supply exists:

- (1) gasoline and motor vehicle service and repair facilities;
- (2) machine and body shops;
- (3) car washes;
- (4) the outdoor storage of road salt and other de-icing chemicals;
- (5) public or community wastewater treatment facilities;
- (6) fuel storage except for agricultural or residential use;
- (7) underground storage tanks;
- (8) solid waste disposal facilities and sanitary landfills;
- (9) dry cleaning, furniture stripping, metal plating, and photographic processing activities;
- (10) junk and salvage yards;
- (11) extraction and quarrying activities;
- (12) cemeteries;
- (13) lawn and garden stores;
- (14) power plants and substations; and/or
- (15) any other use which involves the generation, use, storage, treatment, transportation or disposal of potential contaminants greater than normal household use.

An application for development within delineated source protection areas which is subject to conditional use review shall also be forwarded for review by the local fire or water district having jurisdiction prior to the issuance of a permit. Development within a source protection area shall be managed in accordance with the adopted source protection plan for that area. Conditions may be attached as appropriate, in consultation with the local district and/or state.

Section 4.12 Signs

- (A) **Applicability.** No sign shall be erected, enlarged, redesigned, reworded, substantially rebuilt, or altered in any way without a permit issued by the Administrative Officer, with the exception of those signs specifically exempted under Subsection (C). Permits shall be issued only for signs in conformance with this bylaw. Application shall be made on the designated form, specifying legend, size, shape, colors, location, materials, height, supporting structures, lighting, and other information as may be necessary to determine conformance with these regulations.
- (B) **General Sign Standards.** All on-premise signs within any District shall meet the following standards:
- (1) Signs should be located where they will be most easily read to reduce the size needed for legibility.
 - (2) All lighted signs shall meet applicable performance standards (Section 4.10).
 - (3) A constant, shielded light source may be used for indirect lighting, provided that the lighting is directed only on the sign surface, preferably from above, and does not adversely affect neighboring properties, rights-of-way, or vehicular traffic. The light source shall not be visible from adjacent properties or roads.
 - (4) No sign shall contain pennants or similar attention gathering devices, nor may they contain or support any device capable of emitting noise.
 - (5) Wall signs and projecting signs shall be securely fixed to the wall of a principal structure, and shall not obscure architectural features of the building.
 - (6) All signs shall be constructed of wood or metal, although the Development Review Board may approve signs constructed of alternative materials in accordance with site plan review under Section 5.2. In approving alternative materials, the Board shall find that the proposed sign is not

incompatible with other signs located within the surrounding area or district, that alternative materials are necessary to achieve an attractive and unique design which would not be practical if constructed of wood or metal, and that such sign meets all other applicable standards under this section.

- (7) Signs shall be repaired and maintained in good condition.
- (8) All signs located within the designated Downtown Design Review Overlay District also shall be subject to design review under Section 5.4.
- (9) The number of on-premise signs permitted on an individual parcel, and the maximum area (size) of signs permitted for specific uses within each zoning district, is set forth in Table 4.2.
- (10) Gasoline stations are permitted either (1) a pricing sign which does not exceed twelve (12) square feet in area or (2) pump-top pricing signs, each not to exceed two (2) square feet in area, in addition to Subsections 1 through 9 above.
- (11) In addition to other signs permitted under Table 4.2, not more than one (1) sandwich board not to exceed six (6) square feet per business, may be placed in the Roadside and Central Business District. Such sandwich board shall be located on the premises being advertised and shall not interfere with pedestrian or vehicular access.

| Table 4.2 On- Premise Sign Standards | | | | | | | | | | | | | | | | |
|---|------------------------|-----------------------|------------|-----------------------|------------|-----------------------|------------|-----------------------|------------|-----------------------|-----------|-----------------------|-----------|-----------------------|------------|-----------------------|
| Use | Zoning District | | | | | | | | | | | | | | | |
| | RES | | RUR | | LDR | | MDR | | HDR | | CB | | RB | | IND | |
| | # | ft² | # | ft² | # | ft² | # | ft² | # | ft² | # | ft² | # | ft² | # | ft² |
| Agricultural | 1 | 10 | 1 | 10 | 1 | 10 | - | - | - | - | - | - | 1 | 10 | 1 | 10 |
| Construction (Temporary) | 1 | 16 | 1 | 16 | 1 | 16 | 1 | 16 | 1 | 16 | 1 | 16 | 1 | 16 | 1 | 16 |
| Directional (e.g., "Entrance") | - | 2 | - | 2 | - | 2 | - | 2 | - | 2 | - | 2 | - | 2 | - | 2 |
| Gasoline Stations (see B(10)) | - | - | - | - | - | - | - | - | - | - | 1 | 12 | 1 | 12 | - | - |
| Home Occupation/Business | 1 | 6 | 1 | 6 | 1 | 6 | 1 | 6 | 1 | 6 | 1 | 6 | 1 | 6 | 1 | 6 |
| Mixed Uses | - | - | - | - | 1 | 18 | 1 | 18 | 1 | 24 | 1 | 24 | 1 | 36 | 1 | 36 |
| Nonresidential Uses | 1 | 12 | 1 | 12 | 1 | 12 | 1 | 12 | 1 | 12 | 2 | 20 | 2 | 36 | 2 | 36 |
| Real Estate (Temporary) | 2 | 6 | 2 | 6 | 2 | 6 | 2 | 6 | 2 | 6 | 2 | 6 | 2 | 6 | 2 | 6 |
| Legend: (#) – the maximum number of signs allowed for a particular use within a specific district; (ft ²) – the maximum total area of allowed sign(s), in square feet, as measured under Section (D) | | | | | | | | | | | | | | | | |

(C) **Exceptions.** The following signs do not require a permit when located on the immediate property and are within the size specifications set out below, provided they meet the general sign standards listed above.

- (1) Signs on public roads which are erected, maintained and administered by the Town or the State of Vermont under Title 10 V.S.A., Chapter 21.
- (2) Unlit signs not exceeding one (1) square foot in area or smaller, including those bearing property numbers, post box numbers, or names of occupants of the premises.
- (3) Temporary real estate sign not exceeding six (6) square feet in total area.
- (4) On-premise historic or landmark signs, not to exceed one (1) in number or six (6) square feet in area.

- (5) Wall murals intended solely for artistic, non-advertising purposes.
 - (6) Window signs which do not exceed thirty (30) percent of the window pane area.
 - (7) Non-advertising signs placed for directional, safety or public service purposes which do not exceed 4 square feet in area provided such signs are located on the premises of the activity being served by the sign.
 - (8) Informational signs erected in accordance with the Connecticut River Byway Signage Program.
 - (9) Signs related to trespassing or hunting, each not to exceed two (2) square feet in area.
 - (10) Temporary signs to be maintained for not more than two (2) weeks erected by fairs or expositions, or signs announcing a garage sale, yard sale or auction, or an event of a civic, political, or philanthropic service, or religious organization, not exceeding four (4) square feet in area. All signs are to be removed promptly by the owner following the event.
 - (11) Temporary election signs to be posted and removed in accordance with state law.
 - (12) Temporary signs or banners advertising public community events, to be displayed in designated locations on town property with the permission of the Selectboard, which shall be removed immediately following the event.
 - (13) One (1) temporary construction sign, not to exceed sixteen (16) feet in area and ten (10) feet in height, placed on any construction site providing such sign is promptly removed immediately following completion of construction. Additional and/or larger temporary construction signs mandated by local, state or federal statute may also be permitted.
 - (14) Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one (1) per establishment, sixteen (16) square feet in total area, or six (6) feet in height above the ground, provided such signs meet the general standards under subsection (B).
 - (15) Public schools, emergency shelters and emergency response providers (e.g., police, fire department, hospitals) may install internally illuminated signs no larger than 36 sq. ft.
- (D) **Measurements.** When computing the total number of signs or permissible sign area for any use, the following shall apply:
- (1) The total number of signs, except for those specifically exempted under Subsection (B), shall include any pre-existing signs as of the effective date of this bylaw.
 - (2) The size of signs permitted herein will be considered the square footage of one face of the sign or sign(s), excluding supporting structures. The total permitted sign area shall include the area of all on-premise signs. Signs consisting of freestanding letters or numerals shall include any intervening spaces (the entire message area), in the calculation of total sign area.
 - (3) If one sign is requested for a group of uses it shall be considered one of the signs permitted for each of those uses and shall not exceed the maximum area (i.e., square footage) identified for mixed-use signs in the applicable district in Table 4.2.
- (E) **Prohibited Signs.** The following signs shall not be permitted in any District:
- (1) Advertising billboards.

- (2) Flashing, oscillating, revolving, neon, animated, digitally-altered (pizio) or illuminated-from-within signs. *[However, public schools, emergency shelters and emergency response providers (e.g., police, fire department, hospitals) may install internally illuminated signs per Section C subparagraph (15)]*
- (3) Signs which extend more than eighteen (18) feet in height in RB or IND districts or ten (10) feet in other districts, if free standing or extends above a roof or parapet if attached to a building.
- (4) Signs which impair public safety a nuisance to adjacent residential uses.
- (5) Signs which hang less than ten (10) feet above a public walkway.
- (6) Portable signs (see Section (C) (11)).
- (7) Signs which are attached to trees or utility poles or drawn on rocks or other natural features.
- (8) Signs advertising a business or use which has been discontinued or abandoned.
- (9) Off-premise sign except as provided in 10 V.S.A., Chapter 21.

Section 4.13 Storage of Flammable Materials

The storage of flammable fluids and the equipment in which they are stored are controlled under the Fire Code of Vermont (NFPA Code) as administered by the State Fire Marshal. Storage of flammable fluids (other than bulk storage for commercial distribution) which is accessory to another use and is consistent with this Code is permitted in any district, but will require a zoning permit if the storage capacity is over five hundred gallons. Bulk storage for commercial distribution is only permitted in RB and IND districts and must also comply with the Code. Procedures for abandoning storage tanks for flammable fluids must also be approved by the Fire Marshal's Office. Any proposal involving the storage of flammable materials on-site shall include with the application under Section 6.0 a letter from the Windsor Fire Chief.

Section 4.14 Temporary Uses and Structures

A permit may be issued by the Administrative Officer for non-conforming uses or structures incidental to construction projects, providing the non-conforming use or structure shall be discontinued and removed within six months from the date of the permit. Such permits may be renewed for three additional periods not to exceed six months, upon application to the Administrative Officer.

ARTICLE 5. DEVELOPMENT REVIEW

Section 5.0 Applicability and Coordination of Review Processes

- (A) **Site Plan Review**, pursuant to Section 5.2 and the Act [§4407(5)], shall apply to all permitted uses as designated in Article 2, excluding one and two family dwellings, residential accessory uses or structures (including home occupations within a single or two-family dwelling, home child care facilities, group homes occupied by 6 or fewer clients/residents), signs, agriculture and/or forestry. Uses designated as conditional uses in Article II are not subject to site plan review procedures. Within the Central Business District (CBD), all uses and changes of use that do not involve new construction and/or the expansion of existing structures resulting in an increase in interior floor space are specifically exempted from site plan review.
- (B) **Conditional Use Review**, pursuant to Section 5.3 and the Act [§4407(2)], shall apply to all conditional uses as designated in Article 2 or as otherwise specified under Article 3 or Article 4.
- (C) **Downtown Design Review**, pursuant to Section 5.4 and the Act [§4407(6)], shall apply to all development, including but not limited to fencing, lighting, signage, alterations, rehabilitation, reconstruction, new construction and demolition within the Downtown Design Review Overlay District as designated in Article 2. Specifically exempted from downtown design review is any change of use or type of occupancy that does not result in any alteration to the exterior facade of a building.
- (D) **Planned Residential Development (PRD) and Planned Unit Development (PUD) Review**, pursuant to Section 5.5 and the Act [§4407(3) & (12)], may be applied at the request of the applicant, or as required under Article 2 or Section 5.5, to any size parcel in designated zoning districts.
- (E) **Flood Hazard Review**, pursuant to Section 5.6, the Act [§4412] and 10 V.S.A. [§753], shall apply to all development including but not limited to new or expanded single family dwellings as designated in Article 2. Specific uses subject to site plan or conditional use review shall be reviewed concurrently with Section 5.6. See Section 6.0 and Table 6.1.

Section 5.1 Application Submission Requirements

- (A) **Site Plan, Conditional Uses and Downtown Design.** Applications for Site Plan, Conditional Use and Downtown Design review shall include a completed application form provided by the town, all required fees, and a development plan and associated materials that includes the information described in Table 5.1.
- (B) **Planned Residential Developments (PRDs) and Planned Unit Developments (PUDs).** Applications for PRDs and PUDs shall include:
 - (1) All information required for Major Subdivision, as set forth in the Section 9 of the Windsor Subdivision Regulations.
 - (2) On a map of the scale required by the Subdivision Regulations, detail showing the location, height and spacing of building sites, parking areas and property to be held in common.
 - (3) A narrative statement by the applicant describing the character of the development and the reasons for the particular approach proposed. Such statement shall also describe the nature of all proposed modifications, changes or additions from the existing zoning regulations, and the proposed standards and criteria for the development, including standards for the design, dimensions and spacing of buildings and sizes of lots and open spaces.

- (4) If residential units are proposed, a calculation of the number of units or lots which could be permitted if the land were subdivided in strict conformance with the minimum lot size for dwelling units in the district in which the land is situated, together with a brief narrative outlining the methodology which was used in making the calculation. For the purposes of this calculation, the applicant shall exclude at least all land greater than 25% in slope, all land which lies under water, the amount of land required by these Regulations for all commercial or industrial uses proposed and land held within a designated floodway. The total number of residential units allowed may be increased by up to 25% of the total allowed under zoning district standards in accordance with Section 5.5.
- (C) **Flood Hazard.** Applications for Flood Hazard Review shall include a completed application form provided by the town, all required fees, and a development plan and associated materials that includes the information described in Table 5.1. The application also shall include:
- (1) The elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures;
 - (2) The methods and levels to which any structure will be flood proofed and certification by the applicant's engineer or architect that the design and proposed methods of construction are in accordance with the flood proofing requirements of these regulations;
 - (3) The relationship of the above to the channel, floodway and base flood elevations;
 - (4) A description of the extent to which any water courses will be altered or relocated as a result of the proposed development;
 - (5) Base flood elevation data for subdivisions, including existing and proposed contours, at one foot intervals, for any proposed building sites and/or building envelope located within the flood hazard area; and
 - (6) Such other information deemed necessary by the Development Review Board for determining the suitability of the site for the proposed development.

Table 5.1 Application Requirements

| Required Application Information: | SPR | CUR | DDR | FHA |
|--|------------|------------|------------|------------|
| 1. Name and address of owner(s) of record of the property; name, address and interest of the applicant, if different than the owner(s) of record; name and address of the person or firm preparing the application and plans; date of the application and related plans. | ✓ | ✓ | ✓ | ✓ |
| 2. A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as otherwise approved by the Development Review Board showing the following: a. north arrow and scale; b. legal property boundaries for the property; c. a general indication of existing and proposed site conditions and features, including topography, land use, vegetation, natural and critical habitat areas, floodplains and wetlands; zoning district boundaries; structures (building footprints), signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, and utilities. d. traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; and, sidewalks, pathways and trails in the vicinity. | ✓ | ✓ | ✓ | ✓ |
| 3. Site location map showing the location of the project in relation to nearby town highways, adjoining parcels and uses and zoning district boundaries. | ✓ | ✓ | N/A | ✓ |
| 4. Proposed landscaping and screening plan, including plant details (size, location, species). | ✓ | ✓ | N/A | N/A |
| 5. Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns and provision for stormwater management). | ✓ | ✓ | N/A | ✓ |
| 6. Description of proposed water supply and wastewater disposal. | ✓ | ✓ | N/A | ✓ |
| 7. Proposed lighting plan, including the design and location of all exterior lighting. | ✓ | ✓ | ✓ | N/A |
| 8. Preliminary building elevations for new or altered structures, including an indication of the exterior facade design, window treatment and roof and siding materials. | ✓ | ✓ | ✓ | N/A |
| 9. Phasing schedule for completion of all proposed development and site improvements. | N/A | ✓ | N/A | N/A |
| 10. Estimate of traffic to be generated by the project & the impact of such traffic on area roads. | N/A | ✓ | N/A | N/A |
| The Development Review Board may require additional information depending upon the scope and location of the proposed project, including but not limited to the following: | | | | |
| 1. Forest management, tree removal and vegetation management plans. | | | | |
| 2. Storm water management and erosion control plans. | | | | |
| 3. Visual impact analysis (photographs or drawings of site). | | | | |
| 4. Community service impact assessments (analysis of fiscal costs and benefits to the town). | | | | |
| 5. Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements). | | | | |
| 6. Open space management plan. | | | | |
| 7. Site reclamation plan (for proposed projects involving extraction). | | | | |
| 8. Habitat impact assessment (identification of critical wildlife habitat, including wildlife travel corridors, analysis of potential impact and proposed mitigation measures). | | | | |
| 9. Other information or studies necessary for the Board to conduct a comprehensive review. | | | | |
| SPR=Site Plan; CUR= Conditional Use; DDR=Downtown Design; FHA= Flood Hazard; ✓ = required; N/A = Not Applicable | | | | |

Section 5.2 Site Plan Review Standards and Procedures

- (A) **Application.** An application for site plan review, including a site development plan prepared in accordance with Section 5.1 above, and associated fee, shall be submitted to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Development Review Board.
- (B) **Review Procedure.** The Administrative Officer shall schedule a public meeting to review an application and determine whether it is complete, and to determine whether the proposed use or structure conforms to the site plan review standards set forth below. The Development Review Board shall act to approve, approve with conditions, or disapprove any application within 60 days of the date on which the application is deemed complete by the Board, and shall issue a written decision, to include findings, any conditions, and provisions for appeal. Failure to act within 60 days of receipt of the completed application shall be deemed approval. In approving a project with conditions, the Development Review Board may require specific modifications to the design, layout, scale and/or configuration of the project.
- (C) **General Standards.** The Development Review Board may consider and impose appropriate safeguards, modifications and conditions relative to the following standards:
- (1) **Safety and efficiency of traffic access.** Vehicular access and intersections with roads shall meet all applicable Town and State design standards, including those set forth in Section 4.1. The Board may limit the number and size of curb cuts to a single access. In instances involving pre-existing curb cuts not in compliance with these standards, the Board may require the reduction, consolidation or elimination of non-complying curb cuts. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by congestion and frequent and/or unsafe turning movements, or parcels having direct access to more than one road, the Board may require shared access between adjoining properties or may limit access to a side street or secondary road. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on contiguous parcels, or contingent upon future development of neighboring properties. Shared access shall not be required in instances in which it is not practical due to site conditions and/or incompatible adjacent uses.
 - (2) **Adequacy of circulation, parking and loading facilities.** Parking and loading facilities shall be provided per the requirements of Section 4.9 of these regulations, and in accordance with the following:
 - a. Parking shall be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. Parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the Board due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.
 - b. Driveway connections to parking areas on adjacent properties, or provision for future connection, shall be required where feasible. In the event that such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to Section 4.9 (C).
 - c. Adequate parking facilities for people with disabilities shall be required.
 - d. Loading and delivery areas within the site shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation and landscaping.
 - (3) **Bicycle & Pedestrian Access.** Pedestrian circulation within the site, and access through the site to adjacent properties and along public roads, shall be provided. Such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property's location,

site conditions and proximity to other facilities. Bicycle racks may be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the building(s) that are open to the general public shall be provided for people with disabilities.

- (4) **Landscaping and Screening.** Landscaping shall enhance the features and conditions unique to each site, and should include a combination of shade and street trees, shrubs, planting beds, well-kept grasses and ground covers. Landscaping is required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads, and as otherwise necessary to provide adequate screening. Landscaping plans shall emphasize the following:
- a. The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.
 - b. The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards and parking areas. Shade trees shall be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality (e.g., wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation). Shade trees are especially important in instances where street trees are not practical because of site constraints.
 - c. The use of street trees along well-traveled roads. Street trees should be planted where site conditions make such plantings practical, and are required for properties outside of the Central Business District (CBD) that front upon Route 5 or Route 44. Such trees shall be planted along the edge of the road right-of-way to create a canopy effect and shall be an indigenous, deciduous species tolerant of road-salt, soil compaction and drought.

A three-year plan for all proposed landscaping shall be prepared and bonding or other surety may be required to ensure installation and maintenance.

- (5) **Storm Water and Drainage.** Adequate provisions shall be made for the management of erosion, sedimentation and storm water runoff. Surface water runoff shall be minimized and if possible, detained on site. The Development Review Board may require a storm water management and erosion control plan prepared by a professional engineer licensed by the State of Vermont. The plan shall provide detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post-construction). The Board may waive compliance with this provision in situations involving minimal disturbance of the site and/or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.
- (6) **Lighting.** Exterior lighting shall be kept to the minimum required for safety, security and intended use, consistent with the character of the neighborhood in which it is located. Permanent outdoor lighting fixtures shall not direct light onto adjacent properties, roads, or public waters; and shall minimize glare. Such fixtures shall be cutoff fixtures and/or low luminance lamps (e.g., maximum of 150 watts or 2,000 lumens). The Board may restrict the height and/or location of fixtures and the maximum level of illumination on all or a portion of the property.
- (7) **Outdoor Storage and Display.** The storage or display of outside materials, goods, supplies, vehicles, machinery or other materials shall be prohibited unless specifically approved by the Board. Secured, covered areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. In approving such outdoor display or storage, the Board may place conditions on the area and location of such storage or display, and may require appropriate screening.

- (D) **District Standards.** In addition to the General Standards set forth in subsection (C), proposed development subject to site plan review located in the following designated districts shall meet the following standards:
- (1) **Roadside Business and Industrial Districts.** Within the Roadside Business District and Industrial District, development with frontage on Route 5 shall be designed in a manner that meets the following standards:
 - a. Building facades shall be designed with appropriate window and door treatment to visually relate to Route 5. The Board may impose a maximum setback to achieve a consistent streetscape; drive-through lanes and drive-up windows are prohibited.
 - b. A landscaped strip of at least twenty (20) feet shall be provided parallel to the road. Driveways and sidewalks are exempt. Form, location, and composition of the landscaped strip shall be shown on the site plan and approved by the Development Review Board.
 - (2) **Rural District Standards.** Within the Resource District and Rural District, development shall be designed in a manner that meets the following standards:
 - a. Development shall be designed to minimize loss of agricultural land and natural habitat, impact on water quality, and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in the Town.
 - b. Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these features to the extent feasible in order to minimize the loss of productive agricultural and forest land, and to avoid physical and visual impacts.

Section 5.3 Conditional Use Review Standards and Procedures

- (A) **Application.** An application for conditional use review, including a development plan prepared in accordance with Section 5.1 above, and associated fee, shall be submitted to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Development Review Board.
- (B) **Review Procedure.** The Administrative Officer shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.4 (C), within 30 days of the submission of a complete application as specified in Table 5.1. The Board will consider whether the proposed use or structure conforms to the conditional use standards set forth below. The Board shall act to approve, approve with conditions, or disapprove any application for conditional use review within 60 days after the date of the final public hearing held under this section, and shall issue a written decision, to include findings, any conditions, and provisions for appeal. Failure to act within 60 days shall be deemed approval. In approving a project with conditions, the Board may require specific modifications to the scale, layout and/or design of the project, or place restrictions on its operation and/or intensity to ensure compliance with this section.
- (C) **General Standards.** Conditional use approval shall be granted by the Board upon their determination that the proposed use or structure will not adversely affect the following standards:
- (1) **The capacity of existing or planned community facilities or services.** The Board shall consider the demand for community services and facilities which will result from the proposed development, and determine whether that demand will exceed the capacity of existing facilities or services. In making such a determination, the Board will consider any capital program or budget in effect at the

time of application. Conditions may be imposed regarding the timing and phasing of development to minimize the impact on schools and other community facilities and services.

- (2) **The character of the neighborhood, area, or district affected.** The Board shall consider the location, scale and intensity of the proposed development relative to the use and character of adjoining properties and other properties likely to be affected by the proposed use. The Board also shall consider the proposed development's compatibility with the purpose and character of the affected district as defined by these regulations, the Town Plan, and the testimony of affected property owners and other interested persons. Proposed activities that would adversely affect the character of the neighborhood, area or district shall not be approved unless the adverse impacts can be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed development or use.
 - (3) **Traffic on roads and highways in the vicinity.** The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians or motorists or unacceptable levels of service for local roads, highways and intersections, unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies.
 - (4) **Bylaws now in effect.** A conditional use must comply with all municipal bylaws and regulations in effect at the time of submission of the application, including conformance with the policies of the Windsor Town Plan and compliance with conditions of prior permits or approvals, including subdivision approval.
 - (5) **The utilization of renewable energy resources.** The Development Review Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources either through use of those resources or on the proposed project's impact on the future availability of such resources.
- (D) **Specific Standards.** In addition to the General Standards set forth in subsection (C) above, the following shall apply to all conditional uses:
- (1) **Site Plan Review General Standards** set forth in subsection 5.2 (C) shall apply to all conditional uses reviewed under this Section.
 - (2) **Site Plan Review District Standards** set forth in subsection 5.2 (D) shall apply to all conditional uses located within the designated district and reviewed under this section.
 - (3) **Building Design.** The design and location of structures will be compatible with their proposed setting and context, as determined in relation to zoning district objectives and requirements, existing site conditions and features, and adjoining structures and uses. Conditions may be imposed with regard to siting, density, setbacks, height, type and pitch of roofs, massing and/or orientation, to ensure compatibility.
 - (4) **Protection of Natural Resources.** Proposed development shall not have an adverse impact on important natural resources or fragile features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife habitat and habitat diversity, groundwater source protection areas, and/or floodplains identified in the town plan or through field investigation. The Board may require the following protection measures to ensure the protection of natural resources and fragile features:

- a. The establishment of buffer areas;
- b. Permanent protection through conservation easements or other deed restrictions in accordance with subsection 5.5 (5);
- c. The designation of established building locations and/or building envelopes to ensure that activities incidental to the operation of the conditional use, including clearing and yard area, do not adversely impact identified resources; and/or
- d. The preparation and implementation of management plans for protected resources and associated buffers.

(5) **Performance Standards.** All conditional uses shall meet the standards set forth in Section 4.10.

(6) **Protection of Water Quality.** The proposed development shall not result in any direct or indirect discharge of waste, contaminants or storm water, or any in-ground disposal of wastewater, in a manner that would adversely impact existing or planned, public or private, water supplies (including both ground and surface waters). See Section 4.11.

(F) **Waivers for Minor Projects.** The Development Review Board may waive one or more of the standards set forth in subsections (C) or (D), above, should the Board determine that the proposed use:

- (1) Will not result in an exterior change to an existing building; and
- (2) Will not require alterations to an existing site (e.g., will not result in additional parking requirements, existing landscaping is adequate, etc.).

Section 5.4 **Downtown Design Review Standards and Procedures**

(A) **Application.** An application for downtown design review, including a development plan prepared in accordance with Section 5.1 above, and associated fee, shall be submitted to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Development Review Board.

(B) **Review Procedure.** The Development Review Board shall review complete applications concurrently with site plan or conditional use, whichever is applicable, to determine whether the proposed development conforms to the downtown design review standards set forth below. In the event the proposed development does not require site plan review or conditional use review, the proposal shall be scheduled in accordance with the procedures set forth in Section 5.2 (B), although application materials shall be limited to those described in Section 5.1. In reviewing applications, the Board shall consider the recommendations of the Windsor Historic Preservation Commission, who shall be provided a copy(s) of the complete application prior to the meeting at which the application is reviewed. The Development Review Board may grant additional time for the Preservation Commission to review the application not exceeding sixty (60) days.

(C) **Review Limitations.** In administering these provisions, the Development Review Board shall focus their review upon the compatibility of a proposed change, the location, anticipated use of the structure and other relevant standards as set forth below. The Development Review Board shall not:

- (1) Insist that new construction or alterations copy existing architectural styles or existing decorative details;
- (2) Be overly restrictive in their review of plans for construction or alteration of structures of little historic or design value or of structures not highly visible from a public street or area, except where such construction or alteration would seriously impair the historic or architectural value of the surrounding buildings or area; and

- (3) Adopt or impose any specific architectural style in the administration of this regulation.
- (D) **Standards.** Downtown design review approval shall be granted by the Board upon their determination that the proposed development conforms substantially with the following:
- (1) **Fences.** Notwithstanding Section 4.5, fences in the downtown design district shall be a maximum height of four (4) feet, except when required for vehicular screening, then a maximum height shall be five (5) feet and shall be compatible with the architectural style/period of building. The structural supports of the fence shall face the interior of the lot and no chain link fences shall be allowed, unless other state guidelines supercede.
- (2) **Lighting.** In addition to conforming to the Performance Standards in Section 4.10, the following standards apply:
- a. **Residential Lighting.** Lighting fixture design, when possible, shall be compatible with and sensitive to the architectural style and period of the related building. Rather than mounting floodlights on a house or building, it is recommended they be mounted away from the building with the light directed toward the building/house. Floodlights shall not be aimed at the street.
 - b. **Commercial/Public Building Lighting.** Excessively bright lighting within a building or excessive lighting of signs, buildings, structures, parking areas, or other features shall be prohibited.
 - c. **Municipal and Street Lighting.** General levels of illumination shall be consistent with guidelines published by the Illuminating Engineering Society of North America (IESNA), provided that the average illumination level may not exceed that specified in those guidelines by more than 0.2 foot-candles. The maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150-watt incandescent bulb).
- Mounting heights of such fixtures shall not exceed twenty (20) feet, retained (and/or extended) mounting height shall be that of the existing fixtures and every effort shall be made to use brackets that match existing brackets.
- Streetlights shall be located in the public right-of-way. If the street has a sidewalk along one side, the streetlights shall generally be located on the sidewalk side of the street. Street lighting should be pedestrian friendly, i.e., glare should be minimized, and illumination maximized at the street and sidewalk levels.
- (3) **Signage.** In addition to conforming to the Sign Standards in Section 4.12, the size location, design, color, texture, lighting, and material of all exterior signs shall be complimentary to buildings and structures on the site and surrounding properties.
- (4) **Alterations, Rehabilitation and Reconstruction.** To limit the loss of significant architectural design and features, the following standards apply:
- a. A property should be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - b. The historic character of a property should be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 - c. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties should not be undertaken.

- d. Changes to a property that have acquired historic significance in their own right should be retained and preserved.
 - e. Distinctive materials, features, and construction techniques or examples of craftsmanship that characterize a property should be preserved.
 - f. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, texture, and where possible, materials.
 - g. New additions, exterior alterations, or related new construction should not destroy historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.
- (5) **New Construction.** To ensure that the new construction is compatible with the historic character of the District, the following standards shall apply to the erection of new buildings within the district:
- a. While building design is not required to reflect any one architectural style or era, the exterior design of new buildings, including the arrangement, orientation, materials and fenestration (window and door openings) shall be compatible and harmonious with existing buildings listed as contributing structures on the National Register of Historic Places and located within the Central Business District.
 - b. New buildings should be oriented toward, and relate both functionally and visually to, public streets and/or common greens, parks or plazas. The Board may impose a maximum setback to achieve a consistent streetscape.
 - c. The scale and massing of new buildings, including height, width, street frontage and roof type, shall be compatible and harmonious with surrounding historic structures. Consideration shall be given to buildings serving special civic, social or cultural functions, including places of worship, that may be designed to serve as prominent focal points within the district
- (6) **Demolition.** To prevent the destruction of significant properties, the following standards apply:
- a. Any demolition or removal of a building or structure shall require approval from the Development Review Board.
 - b. Before a building or other structure is demolished or moved, the applicant shall in good faith, prepare a detailed plan for the re-use of the vacated site, which the Development Review Board determines will meet the criteria established.
 - c. If a structure for which demolition has been proposed has been damaged in excess of seventy (70) percent of its assessed value due to flood, fire, wind, or other act of nature, permission for the demolition may be granted by the Administrative Officer without prior review by the Development Review Board.

Section 5.5 Planned Residential Developments (PRDs) and Planned Unit Developments (PUDs)

- (A) **Purpose.** In accordance with the Act [§4407(3) & (12)], Planned Residential Developments (PRDs) and Planned Unit Developments (PUDs) are permitted in all zoning districts to allow for innovative and flexible design and development that will promote the most appropriate use of land, and specifically achieve one or more of the following objectives:
- (1) increase density, reduce lot size and/or facilitate the adequate and economical provision of streets and utilities to provide housing in a cost effective manner;

- (2) cluster residential development to preserve and maintain open space, including but not limited to important resource or conservation lands;
 - (3) protect significant natural, cultural or scenic features as identified in the Windsor Town Plan, or through site investigation; and/or,
 - (4) allow for creative design and layout of development, an efficient use of land, and to provide for the integrated mix of uses.
- (B) **Review Procedure.** A PRD or PUD shall be reviewed concurrently with a Major Subdivision Review procedures as set forth in Town of Windsor Subdivision Regulations. In addition to the applications requirements of Section 5.1 (B), an application for PRD or PUD approval shall include a statement describing all proposed modifications, changes or supplements to existing bylaw requirements. Modifications of this bylaw approved by the Development Review Board shall be noted in writing and appended to a plat depicting the project to be filed in the Windsor Land Records. All other provisions of this bylaw not specifically modified shall remain in effect and be applicable to the project.
- (C) **Coordination with Conditional Use Review.** Review and approval of a PUD involving the development of one or more conditional uses under this Section shall not exempt the proposed development from review in accordance with Section 5.3. The Development Review Board may review and approve one or more conditional uses concurrently with granting PUD approval, or may require the submission of a conditional use application in accordance with Section 5.3 and the terms and conditions of the PUD approval, including any modifications of this bylaw granted in accordance with Section 5.5, at a latter date.
- (D) **General Standards.** The modification of zoning regulations by the Development Review Board may be permitted in accordance with the following standards:
- (1) The PRD or PUD shall meet all applicable standards set forth in Section 5.3, and shall be consistent with the Windsor Town Plan and all other applicable municipal regulations and ordinances currently in effect. The PRD shall also meet all local and state regulations for sewage disposal and the protection of water quality.
 - (2) The PRD or PUD shall represent an effective and unified treatment of the development site, including provisions as appropriate for the preservation or protection of surface and ground waters; wetland, stream bank, floodplain and lake shore areas; significant topographic features, including hilltops and ridgelines; areas of steep slope or shallow soil; significant resource lands, including agricultural and forest land; historic or archaeological sites and structures; natural and critical habitat areas; and open spaces, including scenic views and vistas.
 - (3) The Development Review Board may allow for a greater concentration or intensity of development within some section(s) of the development than in others, on individual lots which are smaller than the minimum lot size for the district within which the PRD or PUD is located, provided that there is an offset by a lesser concentration in other sections, including the reservation of no less than 50% of the remaining land as open space.
 - (4) The minimum front, side and rear yard setbacks at the periphery of the PRD or PUD shall be as dictated for the particular district unless otherwise specified by the Development Review Board. The Board may allow other setback standards, such as zero lot lines, as part of PRD or PUD approval.

- (5) Provision shall be made for the preservation of open space. Preserved open space shall be dedicated, either in fee or through a conservation easement to the Town, a community association comprising all of the present and future owners of lots or dwellings in the project, or a non-profit land conservation organization. The Development Review Board shall approve such easement. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. The Board shall approve the location, size and shape of lands set aside to be preserved for open space in accordance with the following:
 - a. Open space land shall provide for the protection of identified resources, including farmland, productive forest, wildlife habitat, natural areas, aquifer protection areas, surface waters, stream banks, historic and archaeological sites, and scenic views and vistas;
 - b. Designated open space may include the portion of a single lot which is characterized by one or more of the above referenced features, or may encompass the contiguous boundaries of the above referenced feature located on multiple lots;
 - c. The location, shape, size and character of the open space shall be suitable for its intended use. Generally, open space shall be at least 50% of the total area for projects involving a parcel(s) of twenty-five (25) acres or more. For smaller parcels, open space should be in proportion to the size and scope of the project, and its intended use;
 - d. Open space shall be suitably improved and/or maintained for its intended use, except for open space containing natural or cultural resources worthy of preservation that may be required to be left unimproved. Provisions shall be made to enable lands designated for agriculture and forestry to be used for these purposes. The Board as appropriate may require management plans for forests and/or wildlife habitat. Areas preserved for agricultural use should be of a size that retains their eligibility for state and town tax abatement programs;
 - e. Open space land shall be located so as to conform with and extend existing and potential open space lands on adjacent parcels; and
 - f. Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Board, that they will in no way disrupt or detract from the values for which the open space is to be protected.
 - (6) Where a district boundary line divides a parcel, the Development Review Board may allow the development of a single PRD or PUD with a total density based on the combined allowable density of each district.
 - (7) Two (2) or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PRD or PUD. The permitted density on one parcel may be increased as long as the overall density for the combined parcels does not exceed that which could be permitted, in the Development Review Board's judgement, if the land were subdivided into lots in conformance with district regulations.
- (E) **Standards Specific to Planned Residential Developments.** In addition to the general standards under subsection (D), PRDs shall also meet the following specific standards:
- (1) The total number of dwelling units shall not exceed that which would be permitted in the Development Review Board's judgement if the parcel were subdivided into buildable lots in conformance with the district minimum lot area required for single family dwellings. The number of dwelling units allowed in a PRD may, at the discretion of the Development Review Board, be increased in accordance with the following:
 - a. The Board may grant a density increase of up to 25% of the allowable number of units in instances in which a significant portion (50% or greater) of the site is preserved as open space

- and/or the Board determines that the PRD reflects an exceptional site design that will result in the preservation of important natural resources and the creation such amenities as pedestrian paths, parkland and/or playgrounds; *or*
- b. The Board may grant a density increase of up to 50% of the allowable number of units in instances in which not less than 50% of the total number of dwelling units created are affordable housing units, as defined in Article 7.
- (2) A PRD shall include only residential uses and associated accessory structures and uses allowed within the district in which the PRD is located. The dwelling units permitted may, at the discretion of the Development Review Board, be of varied types, including single-family, two-family, or multi-family construction, and may be attached or detached.
- (F) **Standards Specific to Planned Unit Developments.** In addition to the general standards under subsection (D), PUDs shall also meet the following specific standards:
- (1) The total number of allowable residential units and/or commercial or industrial space within the PUD shall not exceed the number which could be permitted in the Development Review Board's judgement, if the land were subdivided into lots in conformance with the zoning regulation for the district in which the project is located.
 - (2) A PUD may include any permitted or conditional uses allowed in the district in which it is located. Multiple principle structures and/or uses on a lot, or multiple ownership of a single structure may be permitted.
 - (3) Principal buildings and mixed uses shall be arranged to be compatible, and buffered as appropriate to ensure visual and acoustical privacy for the residents of the development and for adjacent properties.

Section 5.6 Flood Hazard Review

- (A) **Application.** An application for flood hazard review, including a site development plan prepared in accordance with Section 5.1 above, and associated fee, shall be submitted to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Development Review Board.
- (B) **Review Procedure.** The Development Review Board shall schedule a public meeting to consider the application submitted to determine whether said application is complete and, upon finding the application to be complete, to determine whether the proposed use or structure conforms to the flood hazard review standards set forth below. The Development Review Board shall act to approve, approve with conditions, or disapprove any application within 60 days of the date on which a completed application is received, and shall issue a written decision, to include findings, any conditions, and provisions for appeal. Failure to act within 60 days of receipt of the completed application shall be deemed approval. In approving a project with conditions, the Development Review Board may require specific modifications to the design, layout, scale and/or configuration of the project.
- (C) **General Standards.** The Development Review Board may consider and impose appropriate safeguards, modifications and conditions for development within the Flood Hazard Area Overlay District in accordance with the following standards:
- (1) Development within floodways is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are specifically prohibited within the floodway.

- (2) All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities; and to provide adequate drainage to reduce exposure to flood hazards.
- (3) Structures shall be:
 - a. designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
 - b. constructed with materials resistant to flood damage;
 - c. constructed by methods and practices that minimize flood damage; and
 - d. be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (5) The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- (6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (7) New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
- (8) The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.
- (9) Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of subsection (8).
- (10) Existing buildings to be substantially improved for nonresidential purposes shall either meet the requirements of subsection 8, or be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood-proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- (11) All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other cover coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (12) Recreational Vehicles or job site trailers placed on sites within Zones A1-A30, AH and AE, as designated on the FIRM maps, shall either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” of Section 60.3(c)(6).
- (13) Accessory Structures: An accessory structure that represents a minimal investment may be built below BFE provided the structure:
- a. Shall not be used for human habitation;
 - b. Shall be designed to have low flood damage potential;
 - c. Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - d. Shall be firmly anchored to prevent flotation which may result in damage to other structures; and
 - e. Shall have service facilities such as electrical and heating equipment elevated or flood proofed. (Source: FMA memo dated July 13, 1977.)

ARTICLE 6. ADMINISTRATION AND ENFORCEMENT

Section 6.0 Permit Requirements

- (A) **Zoning Permit.** In accordance with the Act [§4443], the application for and receipt of a zoning permit issued by the Administrative Officer shall precede any initiation of development as defined herein, except for development which is specifically exempted from these regulations under subsection (B).
- (B) **Exemptions.** No zoning permit shall be required for the following:
- (1) Any structure for which construction began prior to the effective date of these regulations, providing such construction complied with all applicable local regulations in effect when construction commenced.
 - (2) Normal maintenance and repair of an existing structure that does not result in any change to the footprint or height of the structure, or a change in use.
 - (3) Minor grading and excavation associated with road and driveway maintenance (including culvert replacement and re-surfacing) and yard improvements associated with accessory uses to existing principle uses (contouring yards, establishing garden and landscape areas).
 - (3) Accepted agricultural practices (AAPs), including farm structures, as defined by the Commissioner of Agriculture, Food and Markets in accordance with the Act [§4495]; however written notification, including a sketch plan of the structure showing setback distances from road rights-of-way, property lines, and surface waters, shall be submitted to the Administrative Officer prior to any construction, as required under the AAPs.
 - (4) Accepted management practices (AMPs) as defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§4495].
 - (5) Entry stairs and handicap ramps which do not extend into or obstruct public rights-of-way.
 - (6) Garage sales, yard sales and auctions which do not exceed three (3) consecutive days per sale, nor more than twelve (12) total days per calendar year.
 - (7) Residential accessory structures that are less than or equal to 120 square feet in size, 14 feet in height, detached from the primary structure and are located at least five (5) feet set back from property lines, and no more than one (1) per lot.
 - (8) Swimming pools with total water surface of less than fifty (50) square feet.
- (C) **Application Requirements.** Applications for zoning permits shall be submitted to the Administrative Officer on approved application forms available at the Town Offices, with the correct application fee as established by the Selectboard. In addition, the following information will be required as applicable:
- (1) **Permitted Uses.** The application for a permitted use shall include a sketch of the lot, drawn to scale, which clearly and accurately depicts:
 - the dimensions of the lot, including existing and proposed lot lines;
 - the location, footprint and height of existing and proposed structures and additions;
 - the location of existing and proposed easements, rights-of-way, and utilities;

- setback distances from property lines, rights-of-way, surface waters and wetlands; and
- additional information as requested to determine project conformance with these regulations.

(2) **Other Uses.** In addition to the above permit application requirements, the application for development requiring approval under conditional use, site plan, downtown design review, flood hazard area, and/or planned unit or planned residential development review shall include a site development plan prepared in accordance with Article 5.

(3) **Uses Subject to State Agency Referral.** An application for development subject to state agency referral requirements (see Table 6.1), shall include a brief written report describing the effects of such use on municipal and regional plans currently in effect, for submission by the Administrative Officer to the state.

Table 6.1 Uses Subject to State Agency Referral Requirements¹

| Use Type or Area | State Agency or Department |
|---|---|
| Use in or within 1000 ft. of state owned or leased property under the jurisdiction of the VT Dept. of Forests, Parks & Recreation, not including rail trail corridors. | Department of Forests, Parks & Recreation |
| Use within a designated flood plain or wetland area. ^{2,3} | Department of Environmental Conservation |
| The damming of a stream to form an impoundment area of 5 acres or more for reservoir or recreational purposes. | Department of Environmental Conservation |
| The drilling of a well deeper than 50 ft. or with a potential yield of greater than 25,000 gallons per day, except by the owner of a farm or residence for his/her own use. | Department of Environmental Conservation |
| Game lands and stream bank areas owned or leased by the state. | Department of Fish and Wildlife |
| Airports. | Vermont Transportation Board |
| Ski areas with lifts or other equipment other than tows, with a total capacity of more than 500 persons per hour. | Department of Forests, Parks and Recreation |
| Camps with accommodations of more than 50 persons. | Department of Forests Parks and Recreation |
| Marinas with accommodations for 20 or more boats with lengths in excess of 20 feet. | Department of Forests, Parks and Recreation |
| Public beaches or land within 1,000 ft. thereof. | Department of Forests, Parks and Recreation |
| Natural areas as defined in Section 2607 of Title 10. | Department of Forests, Parks and Recreation |
| Any use within 500 feet of the intersection of any entrance or exit ramp providing access to a limited access highway. | Agency of Transportation |

¹ as required pursuant to the Act [§ 4409(c)].

² Flood plains include all lands within the Flood Hazard Area Overlay District, as depicted on National Flood Insurance Program maps; wetlands include, but may not be limited to all wetlands depicted on National Wetlands Inventory (NWI) maps.

³ In addition, adjacent communities and the Vermont Department of Environmental Conservation must be notified at least **15 days** prior to issuing any permit for the alteration or relocation of a watercourse within the Flood Hazard Area Overlay District, and copies of such notification must be submitted to the Administrator of the Federal Insurance Administration.

(E) **Issuance of Zoning Permits.** No zoning permit shall be issued by the Administrative Officer until a complete application, including all forms, materials, and fees, have been received, and all applicable approvals have been obtained in accordance with the following provisions:

- (1) No zoning permit shall be issued by the Administrative Officer for any use or structure which requires approval of the Development Review Board, Selectboard and/or Health Officer until such approval has been obtained.
- (2) For uses requiring state agency referral as identified in Table 6.1, no zoning permit shall be issued until the expiration of 30 days following the submission of a report to the appropriate state agency or department in accordance with the Act [§4409(c)].

- (3) If public notice is issued with respect to amendment of these regulations, the Administrative Officer shall continue to issue any zoning permit for a development affected by the amendment, until the effective date of adoption of the amendment.
 - (4) Within 30 days of receipt of a completed application, including all application materials, fees and approvals, the Administrative Officer shall either issue or deny a permit in writing pursuant to the Act [§4443, §4464]. Denials shall include a statement of the time in which appeals may be made under Section 9.5. If the Administrative Officer fails to act within the 30 day period, a permit shall be deemed issued on the 31st day. Decisions shall be sent by registered mail to the applicant explaining any conditions of approval or reasons for denial, and include a statement of the time in which an appeal may be made under Section 6.2.
 - (5) Within 3 days of issuance, the Administrative Officer shall deliver a copy of the permit to the Listers, and post, for a period of 15 days from issuance, a copy at the Town Office.
- (F) **Effective Dates.** No zoning permit shall take effect until the time for appeal under Section 6.1 has passed, or in the event that a notice of appeal has been properly filed, until final adjudication of the appeal. A zoning permit shall remain in effect for a period of one (1) year from the date of issuance. If the work described therein is not commenced and diligently prosecuted within this one-year period, the zoning permit shall become void. All associated approvals expire with the zoning permit (conditional use, site plan, etc.)

Section 6.1 Appeals

- (A) **Decisions of the Administrative Officer.** In accordance with the Act [§4464, §4472], any **interested person** may appeal a decision or act of the Administrative Officer by filing a notice of appeal with the Secretary of the Development Review Board, or the Town Clerk if no Secretary has been elected, within fifteen (15) days of the date of such decision or act.

- (1) Pursuant to the Act [§4467], the Development Review Board shall hold a public hearing on a notice of appeal within sixty (60) days of its filing. The Board shall give public notice of the hearing under Section 6.4 (C) and mail a copy of the hearing notice to the appellant at least fifteen (15) days prior to the hearing date.
- (2) A decision on appeal, to include written findings of fact, shall be rendered within forty-five (45) days after hearing completion, pursuant to the Act [§4470]. The Development Review Board may reject an appeal without hearing, and render a decision within ten (10) days of the filing of

Interested Person. In accordance with the Act [§4464 (b)], the definition of an interested person includes the following:

The Town of Windsor or an adjoining municipality;

A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these bylaws, who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of the Town;

Any 10 persons owning real property within the Town who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in compliance with the plan or bylaw of the Town;

Any department or administrative subdivision of the State owning property or any interest therein within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development; and

The Windsor Conservation Commission.

a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on substantially or materially the same facts, by or on behalf of the appellant. Copies of the decision shall be mailed to the appellant and hearing participants, and filed with the Administrative Officer and Town Clerk in accordance with the Act.

(B) **Decisions of the Development Review Board.** Any **interested person** may appeal a decision of the Development Review Board within thirty (30) days of such decision to the Vermont Environmental Court, in accordance with the Act [§4471, §4472, §4475]. Notice of appeal shall be sent to every interested person appearing and having been heard at the hearing before the Board.

(C) **Notice of Appeal.** Pursuant to the Act [§4465], a notice of appeal shall be in writing and include:

- the name and address of the appellant;
- a brief description of the property with respect to which the appeal is taken;
- a reference to applicable bylaw provisions;
- the relief requested by the appellant, including any request for a variance from one or more provisions of this bylaw;
- the alleged grounds why such relief is believed proper under the circumstances; and
- any request for a stay of enforcement that may be granted or denied by the Development Review Board in accordance with the Act [§4466].

Section 6.2 Variances

(A) The Development Review Board is empowered to authorize a variance from the provisions of these regulations on appeal under Section 6.1, for specific cases where, owing to special conditions of a property, literal enforcement of these regulations will result in an unnecessary hardship. In accordance with the Act [§4468], however, the Board may approve a variance only if ***all*** of the following facts are found, and the findings are specified in its written decision:

- (1) that there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
- (2) that because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is necessary to enable the reasonable use of the property;
- (3) that the unnecessary hardship has not been created by the appellant;
- (4) that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
- (5) that the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

- (B) On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure, the Board may grant such variance only if it finds that all of the facts listed in the Act [§4468(b)] are found in the affirmative and specified in its decision.
- (C) Variances within the Flood Hazard Area Overlay District shall be granted by the Development Review Board only:
 - (1) in accordance with the Act [§4468, §4412(h)] and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations;
 - (2) upon a determination that during the base flood discharge the variance will not result in increased flood levels; and
 - (3) upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (D) In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of this bylaw and the municipal plan currently in effect. In no case shall the Development Review Board grant a variance for a use which is not permitted or conditionally permitted within the zoning district, or which results in an increase in allowable density.

Section 6.3 Violations and Enforcement

- (A) **Violations.** The commencement or continuation of any development or use that is not in conformance with the provisions of this bylaw shall constitute a violation. All violations shall be pursued in accordance with the Act [§4444, §4445]. The Administrative Officer shall initiate appropriate action in the name of the Town to enforce the provisions of this bylaw. All fines imposed and collected for violations shall be paid over to the Town.
- (B) **Notice of Violation.** Pursuant to the Act [§4444], no action may be brought under this section unless the alleged offender has had at least seven (7) days notice by certified mail that a violation exists. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. The issuance of a notice of violation may be appealed in accordance with Section 6.1. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the seven-day notice period and within the next succeeding twelve (12) months.
- (C) **Limitations on Enforcement.** The Town shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [§4496].

Section 6.4 Municipal Administrative Requirements

- (A) **Appointments.** The following appointments shall be made in association with the administration and enforcement of these regulations as provided for in the Act:
 - (1) **Administrative Officer.** The Planning Commission, with the approval of the Selectboard, shall appoint an Administrative Officer for a term of one (1) year in accordance with the Windsor Town Charter. In the absence of the Administrative Officer, the Planning Commission in consultation

with the Selectboard may appoint an Acting Administrative Officer. The Administrative Officer shall administer these regulations literally, and shall not have the power to permit any development that is not in conformance with them. The Administrative Officer will also be responsible for providing municipal permit information to applicants, coordinating associated permitting and approval processes, and maintaining permit records.

- (2) **Development Review Board.** Members of the Development Review Board, which may consist of the members of the Planning Commission, shall be appointed by the Selectboard in accordance with the Act [§4461]. One or more alternates also may be appointed by the Selectboard to serve for members in the event of an absence or conflict of interest. The Board shall adopt rules of procedure to guide its official conduct in accordance with the requirements of the Act [§4462] and Vermont's Open Meeting Law [1 V.S.A., §310-314]; and shall have powers and duties as set forth in the Act to administer the provisions of this bylaw, including but not limited to the power to hear and decide:

- appeals from any decision or act of the Administrative Officer under Section 6.2;
- variance requests under Section 6.3;
- applications for site plan approval under Section 5.2;
- applications for conditional use approval under Section 5.3;
- applications for design review under Section 5.4;
- applications for planned unit and planned residential development under Section 5.5;
- applications for flood hazard review under Section 5.6; and
- applications for subdivision.

- (3) **Planning Commission.** The Selectboard in accordance with the Act [§4321, §4323] shall appoint members of the Planning Commission. The Planning Commission shall adopt rules of procedure to guide its official conduct in accordance with the requirements of the Act [Section §4323] and Vermont's Open Meeting Law [1 V.S.A., §310-314]; and shall have powers and duties as set forth in the Act [§4325].

- (B) **Fee Schedule.** The Selectboard shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering the town's administrative costs.

- (C) **Hearing Notice Requirements.** Pursuant to the Act [§4447], any public notice required for public hearing under these regulations shall be given by the publication of the date, place and purpose of such a hearing in a newspaper of general circulation in the town, and the posting of such notice in one or more public places within the town, not less than fifteen (15) days prior to the hearing date. Notice of the hearing shall be sent by mail to the applicant. In the event that the hearing is cancelled due to inclement weather or some other unanticipated cause, a notice of cancellation shall be posted on the door of the municipal building (or other meeting location, as appropriate). The notice of cancellation may include the date, time and location that the postponed hearing will be convened.

- (D) **Permit Recording Requirements.** The Administrative Officer shall maintain a complete record of all applications, reviews, decisions, appeals, and variances made under these regulations, and any administrative actions taken pursuant thereto.

- (1) In accordance with the Act [§4443(c)], within thirty (30) days after a municipal permit, including but not limited to a zoning permit and associated approvals, has become final, or within thirty (30) days of the issuance of a notice of violation, the Administrative Officer shall deliver the notice of violation, or memorandum or notice of recording, to the Town Clerk for recording as provided in 24 V.S.A. subsections 1154(a) or (b). The applicant may be charged the cost of recording fees.

(2) In addition to permit recording requirements under Section 6.5 (D) 1, for all development approved within the Flood Hazard Area Overlay District, the Administrative Officer shall maintain a record of:

- all zoning permits issued within the district;
- the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings;
- the elevation, in relation to mean sea level, to which buildings have been floodproofed;
- all floodproofing certifications required under this regulation; and
- all variance actions, including justification for their issuance.

ARTICLE 7. DEFINITIONS

Section 7.0 Terms and Uses

- (A) All words, phrases, and terms in these regulations shall have their usual and customary meanings except where specifically defined herein or in the Act or where the context clearly indicates a different meaning.
- (B) The words and terms used, defined, interpreted or further described herein shall be construed as follows:
 - (1) the particular controls the general;
 - (2) the present tense includes the future tense;
 - (3) words used in the singular include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary;
 - (4) the word "lot" includes "plot" or "parcel;"
 - (5) the word "structure" includes "building;"
 - (6) the word "applicant" includes an individual, partnership, association, corporation or other organization;
 - (7) the word "shall" is mandatory; the word "may" is permissive.
- (C) For the purposes of flood hazard area regulation under Article 5.0, National flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein.
- (D) The Development Review Board shall clarify doubt as to the precise meaning of any word used in these regulations. In such cases, the Board shall base its ruling upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

Section 7.1 Definitions

Abandonment: To cease or discontinue a use of activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting: Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Access Ramp: Structure built on the outside of a building to allow direct entry to the building by persons in wheelchairs.

Accessory Dwelling: A secondary dwelling unit established in conjunction with and clearly subordinate to a primary single-family dwelling unit which is retained in common ownership, is located within, attached to or on the same lot as the primary dwelling unit, and which otherwise meets applicable criteria of these regulations (see Section 3.1).

Accessory Structure: A structure which is customarily incidental and subordinate to the primary use or structure of a lot or parcel of land, is located on the same lot as the primary structure or use, and is clearly related to the primary use (see Section 3.2). Additions to principle structures which increase the habitable floor space, including decks, porches and sunrooms, shall not constitute accessory structures.

Accessory Use: A use which is customarily incidental and subordinate to the primary use of a lot or parcel of land, is located on the same lot as the primary use and is clearly related to the primary use.

Act: Title 24 VSA, Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

Adaptive Reuse: The rehabilitation or renovation of an existing historic building, as determined by the Development Review Board, for another use as specified in these regulations (see Section 3.3).

Adjoining Property Owner: Person who owns land outright (in fee simple) if that land shares a property boundary with a tract of land where a proposed or actual development or subdivision is located or is adjacent to such a tract of land and the two properties are separated only by a river, stream or public highway.

Affordable Housing: Housing that is either (1) owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the state median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 65 percent of the state median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Affordable Housing Development: A housing development of which at least 50 percent of the units are perpetually affordable housing units through deed or other legal instrument.

Agriculture: The growing and harvesting of crops; raising of livestock, raising of horses, dairying, operation of orchards, including maple orchards or sugar bushes; and the sale of farm produce on the premises where it is produced (see also Section 3.4 Agricultural Product Sales).

Alteration: Structural change, change of location, or addition to a building, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area.

Antenna: Any system of wires, poles, rods reflecting discs, or similar devices used in transmitting and receiving electromagnetic waves and including the supporting structure: includes, but is not limited to, amateur radio antennas, television antennas, and satellite receiving dishes.

Aquifer: A geological unit of stratified drift capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of water to percolate into ground water.

Area of Shallow Flooding: A designated AO or AH Zone on the Town of Windsor Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the flood plain within the community subject to a one percent of greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Bank: An institution, usually incorporated, whose business it is to receive money on deposit, cash checks or drafts, discount commercial paper, make loans, and issue promissory notes payable to bearer, known as bank notes.

Bar: A room or establishment where the sale and consumption of alcoholic beverages are the primary activities.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building that is partly or completely below grade.

Bed and Breakfast (B&B): An owner-occupied residence, or portion thereof, in which no more than five short-term lodging rooms are rented and where only a morning meal is provided to guests.

Bedroom: Any room that may be used principally for sleeping, including but not limited to lofts, dens, or libraries.

Building: Structure designed for habitation, shelter, storage, trade, manufacture, religion, business, education, and the like. A structure or edifice enclosing a space within its walls, and usually covered with a roof.

Building Frontage: The horizontal length of the principal structure as projected onto a plane parallel to the street right of way. For corner lots, building frontage shall be the sum of the frontage on each street.

Bulk Fuel Storage and Distribution: A structure used for the safekeeping and containment of a mass or aggregate of fuel which is counted, weighed, or measured for subsequent sharing, parceling out, allotting, dispensing, or apportioning, excluding fuel storage of less than 1,050 gallons for use by the owner or occupant of the property on which the fuel is stored.

Bylaws: Zoning regulations, subdivision regulations, or the official map adopted under authority of VSA Title 24.

Camper (Recreational Vehicle, Travel Trailer): A vehicle without permanent foundation which can be towed, hauled or driven and is designed as a temporary living accommodation for travel, recreational, and camping use. This includes but may not be limited to travel trailers, truck campers, camping trailers and self-propelled motor homes (see Section 3.5).

Campground: A parcel of land upon which three or more campsites are located for occupancy by a tent, lean-to, camper, recreational vehicle, or similar structure as temporary living quarters (see Section 3.6).

Car Wash/Detailing: An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, polishing, waxing or detailing of motor vehicles.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemeteries.

Church: see Place of Worship.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial Use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee.

Community Center: A building used for recreational, social, and cultural activities which is not operated for profit and is intended primarily to serve the population of the community or neighborhood in which it is located.

Conditional Use: A use that, owing to some special characteristics attendant to its operation or installation (e.g. potential danger, smoke, or noise), is permitted in a district subject to approval by the Development Review Board, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.

Conservation Area: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest.

Conservation Easement: A permanent legal recorded agreement between a landowner and a conservation group, land trust or government body, imposing limitation on future use and development for the purpose of protecting natural, scenic or open space values of said property, and/or maintaining its availability for agricultural, forest, recreational or open space uses.

Contractor's Yard: An enclosure, with or without buildings, devoted to some work or business which furnishes services for the construction of buildings or other projects.

Convenience Store: See "Mixed Use."

Correctional Facility: A prison or jail for the reformation and/or detention of criminal offender.

Cottage Industry: An expanded home business that is conducted within a principal or accessory structure secondary to the use of the property for dwelling purpose by residents of the premises and has no more than six nonresident employees on-site at any one time (see Section 3.11; Home Business and Home Occupation).

Coverage: The percentage of the lot area covered by structures and other man-made improvements, including impervious parking and loading areas, access roads, service areas, and other impermeable surfaces, which prevent infiltration of stormwater.

Cultural Facility: A museum, theater, concert hall, or other establishment offering programs, performances or exhibits of cultural, educational, recreational, historical or scientific interest.

Curb Cut: The area of land adjacent to a public or private right of way used regularly for vehicular access; the intersection of a driveway access and the right of way.

Cut-off Fixture: A fixture which meets the standards for cut-off fixtures established by the Illuminating Engineering Society of North America (IESNA), in which the angle of illumination is restricted so that (1) a minimum of 90% of the total lamp lumens shines below an angle of 80° from the base of the fixture; (2)) a maximum of 10% of the total lamp lumens shines above an angle of 80° from the base of the fixture; and (3) a maximum of 2.5% of the total lamp lumens shines above an angle of 90° from the base of the fixture.

Day Care Facility: Any place operated as a service on a regular or continuing basis, whether for compensation or not, the primary function of which is protection, care and supervision of children or elderly persons from more than two families by a person other than the children's or elders' parents, guardians or relatives (see definition of Home Child Care Facility, Section 3.7 and 3.12).

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or any mining, excavation or landfill, or any change in the use of any building or other structure, or land or extension of use of land (see also Subdivision).

Diligently Prosecuted: Attentive and persistent in doing a thing; steadily applied; active; unremitting; untiring.

District: A mapped area to which a uniform set of regulations applies prescribing both the nature of land usage and the physical dimensions of uses including height setbacks and minimum area.

Drive-Through: A business establishment which includes a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building.

Dwelling Unit: A building or part thereof used as living quarters for one or more persons (family), containing cooking, sanitary and sleeping facilities built on a permanent foundation.

Dwelling Unit, Single-Family: A building with independent living quarters for one family.

Dwelling Unit, Two-Family: A building with independent living quarters for two families (Section 3.1).

Dwelling Unit, Multi-Family: A building with independent living quarters for three or more families.

Earth Resources: Substances obtained from the ground for human use such as sand, gravel, talc, granite or the like (see Section 3.8).

Easement: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Enclosed Manufacturing Business: The use of a building for the manufacture, production, processing, assembly, or storage of goods and/or materials or commodities.

Enclosed Self-Storage Facility: An enclosed structure consisting of individual, self-contained units of the same or varying sizes used for the storage of business or household goods or contractor's supplies.

Excavation: Any breaking of ground and extraction, movement or filling of earth or rock, or any alteration of existing drainage patterns which substantially affects adjacent properties. Common agricultural tillage, gardening and excavations in cemeteries are specifically excluded from this definition.

Extraction: A use involving the removal of surface and subsurface materials, including soil, sand, gravel, stone, rock, minerals or similar materials. Typical uses include sand, gravel pits and quarries, and related operations such as the crushing, screening, and temporary storage of materials on-site (Section 3.8).

Family: For the purpose of these Bylaws, a family shall consist of any group of two or more persons, either related or unrelated, residing in and sharing rooms of an individual dwelling unit in the same structure (i.e. persons related by blood, marriage, or adoption; house mates; persons sharing expenses).

Farming: Use of a tract of land cultivated for the purpose of agricultural production, growth of Christmas trees, production of maple syrup; or devoted to the raising, feeding or management of livestock, poultry, equines, fish or bees (see also Agriculture).

Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Finished Grade: The average ground level of the land around the building after completion.

Flood Hazard Boundary Map (FHBM): An official map of Windsor issued by the Flood Insurance Administrator, where the boundaries of the flood, mudslide (i.e. mud flow) related erosion areas having special flood hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): An official map of Windsor on which the Flood Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to Windsor.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Plain: The land adjacent to rivers and streams that is subject to flooding.

Flood Prone Area: That land which would be subject to flooding by the 100-year flood or that flood which would have a one percent chance of occurring each year - Zone A on the Flood Hazard Boundary Map.

Floodproofing: Any combination of structural or nonstructural additions, changes or adjustments to properties and structures made primarily for the reduction or elimination of flood damage to lands, facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe: The remaining portion of flood prone areas after exclusion of the floodway.

Forestry: Any management, including logging, of a forest or woodland, including the maintenance, construction or alteration of woods, roads, skidways, landings, fences and forest drainage systems.

Frontage: Distance along the lot line dividing a lot and a street or private right-of-way.

Funeral Home: A building or part thereof used for human funeral services. Such building may contain space and facilities for a) embalming and the performance of other services used in preparation of the dead for burial; b) the storage of caskets, funeral urns, and other related funeral supplies; and c) the storage of funeral vehicles, but shall not include facilities for cremation.

Garden Center: The use of land, buildings, and/or structures for the purpose of selling materials, equipment, and supplies for use in gardening, landscaping and/or farming. This definition specifically does not include nurseries and greenhouses that are defined as "Agriculture" or "Accepted Agricultural Practices" and are therefore exempted from these regulations.

Gasoline Station: Property used for the sale of motor fuel, oil and motor vehicle accessories and which may include facilities for lubricating, washing or servicing motor vehicles (see Section 3.9).

Group Home: A state licensed or community care dwelling shared by 6 or fewer persons who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide 24-hour supervision and care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential. Such a home is treated as a single-family residential use under 24 V.S.A. Sec. 4409(d).

Hazardous Waste Management Facility: A facility that stores processes, neutralizes, reclaims, treats or disposes of hazardous waste for which a notice of intent to construct has been received under state law [10 V.S.A., §6606a].

Hazardous Substances: Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such materials or substance.

Health Care Facility: A clinic, hospital, sanitarium or nursing home used by the medical profession for treatment and care of humans.

Height: See “Structure Height”.

Historic District: An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

Historic Site: Any site, structure, district or archeological landmark which has been officially included in the National Register of Historic Places and/or the state register of historic places or which is established by testimony of the Vermont Advisory Council on Historic Preservation as being historically significant.

Home Business: Any business that is carried on primarily within a principal or accessory structure secondary to the use of the property for dwelling purpose by residents of the premises and not more than two additional on-premise employees who are not residents (see Section 3.11).

Home Child Care Facility: A child care facility operated as an accessory to a dwelling in which the facility is operated by a resident of the dwelling and which involved the care of 6 or fewer children on a full time basis in addition to 4 or fewer children on a part time basis (see definition of Day Care Facility, Section 3.12 and 3.7).

Home Occupation: Any occupation that is conducted entirely within the living area of a residence or accessory structure, carried on only by residents of the premises, involving only a service provided or product produced by those residents, and is clearly secondary to the use of the residence as a dwelling (see Section 3.10).

Hotel/Motel: See “Inn.”

Indoor Recreation: A facility for such indoor activities as electronic and non-electronic games, game courts, exercise equipment, locker rooms, jacuzzi and/or sauna and pro shop.

Industrial Supply Business: An establishment whose purpose is to manufacture materials or products which are destined and designated to produce other goods.

Infrastructure: Public improvements such as roads, schools, municipal buildings, and sewer and water systems that support existing and future development in a community.

Inn: An establishment providing lodging and meals for travelers and so designed that normal access and egress are from a central point.

Junkyard: A parcel of land with or without buildings on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

Kennel: Property used for boarding, breeding, raising, grooming, training or caring for four or more dogs, cats, or other household pets for commercial purposes (see Section 3.13).

Landscaping: All outdoor elements of a developed lot or developed portion of a lot, including, but not limited to, natural features, planting, grading, and lighting.

Library: A building devoted to a collection of books, manuscripts, etc., kept for use but not for sale.

Lot: Land occupied by or capable of being occupied by one principal structure and the accessory structures or uses customarily incidental to it including such yard and other open spaces as are required herein.

Lot Coverage: See “Coverage”.

Lot Line: The established division line between lots or between a lot and the right-of-way of a street.

Lowest Floor: The lowest floor of the lowest enclosed area (including any basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 5.6 (C) 11.

Machinery or Equipment Sales and Service: The use of a structure and/or lot for the wholesale or retail sales, and service, maintenance, repair, supply, installation, or distribution of automobiles, apparatus, furnishings, recreational vehicles, or related machinery.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is connected to the required utilities. For flood plain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, and the other provisions of these regulations, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Mean Sea Level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Map, and typical contour elevations are referenced. For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on Windsor's FIRM are referred.

Minor Structure: Any structure that does not exceed five (5) feet in any dimension and that is not attached to a primary structure. Examples include birdhouses; pet doghouses (not kennels); and cold frames (see Section 6.0 (B)).

Mixed Use: A structure or land containing two or more uses which are otherwise allowed as permitted or conditional uses within the district in which the structure or land is located (see Section 3.12).

Mobile Home: A prefabricated dwelling unit intended for permanent residential use which is designed to be moved on wheels to a site complete and ready for occupancy except for incidental unpacking and assembly. A modular home which is constructed in two or more major sections that are transported to a site and permanently assembled there is not considered a mobile home.

Mobile Home Park: A parcel of land which contains, or is designed, laid out, or adapted to accommodate three or more mobile homes.

Non-Complying Structure: A structure or part thereof not complying with the building requirements (i.e. building size and location on lot) for the district in which it is located, but which conformed to all laws, ordinances, and regulations prior to enactment of these regulations (see Section 4.8 (B)).

Non-Conforming Use: A use of land or a structure which does not comply with all use standards for the district in which it is located, but which conformed to all laws, ordinances, and regulations prior to enactment of these regulations (see Section 4.8 (A)).

Open Space: An area that is not paved, roofed or occupied by structures intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes accessible to all users of the property or development.

Outdoor Recreation: A facility or area for such outdoor activities as game courts, ice skating, swimming, fishing, hiking, and other customary outdoor activities.

Parcel: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Area: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking (see Section 4.9).

Parking Space: An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle.

Passenger Transportation Terminal: A building or area for the departure or arrival of persons using a carrier line as a means of conveyance.

Permitted Use: Allows the property owner to use his property in a way which the zoning regulations expressly permit under the conditions specified in the regulations themselves after obtaining a certificate granting such authority.

Person: Any individual, corporation, partnership, association, trust, and any other incorporated or unincorporated organization or group.

Personal Service: The term includes barber, hairdresser, tailor, beauty salon, shoe shine, photographic studio and businesses providing similar services of a personal nature.

Place of Worship: A facility used for conducting organized religious services on a regular basis, including accessory uses customarily associated with such a primary use. Includes church, synagogue, temple mosque or other such place for worship and religious practice.

Planned Residential Development: An area of land, controlled by an applicant to be developed as a single entity for a number of dwelling units; the plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage, and required open space under these regulations except as a planned residential development (see Section 5.5; and Planned Unit Development).

Planned Unit Development: An area of land, controlled by an applicant to be developed as a single entity for a number of dwelling units and commercial and/or industrial uses, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets, utilities, buildings, open spaces, and other site features and improvements (see Section 5.5; and Planned Residential Development).

Plat: A map of a specific land area such as a town, section, or subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements etc. drawn to a scale.

Printing Business: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

Private Clubhouse: A building or use catering to club members and their guests for recreational, educational and/or cultural purposes and not operated primarily for profit.

Professional/Business Office: A building or part thereof in which business, clerical or professional activities are conducted.

Professional School: An institution or place for instruction or education for artistic, commercial, mechanical, agricultural or the like occupations.

Public Facility: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Windsor, or any other department or branch of government. Such a facility may be further characterized as "**open**" to the general public (e.g., town office, meeting hall, school, library, post office) or "**closed**" to the general public (e.g., highway maintenance facility, utility substation, solid waste management facility). Excluded from this definition are public facilities that are expressly defined in this section (e.g., school, correctional facility, place of worship) and for which reasonable provision has been made by these regulations. See Section 3.17.

Recreational Vehicle: A vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. See Camper

Renewable Energy Resources: Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat and geothermal sources.

Research and Development Business: A facility whose purpose is research, investigation, testing or experimentation for the purpose of promoting growth, manufacture, and/or sale of products.

Residential Care Facility: A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate dwelling providing living and sleeping facilities where residents share common meals.

Restaurant: An establishment whose major activity is the preparation of food and service of meals for consumption on the premises and which may or may not provide entertainment.

Retail (Recreational): A commercial enterprise that provides goods and/or services directly to the consumer, where such goods/services relate to a specific outdoor recreational activity (e.g., cross-country skis at a cross-country ski touring facility).

Retail Store/Service: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-Way: An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians of both. When the boundary of the right of way is not known, it will be assumed to be 25 feet from the centerline of the traveled way.

Rooming House: Any dwelling with at least three but not more than eight sleeping rooms for rent.

School: A facility that provides a curriculum of academic instruction that is regulated or accredited by an appropriate authority.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Self-Service Laundry: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

Self-Storage Facility: See “Enclosed Self-Storage Facility.”

Setback: The shortest distance between the exterior of a building, including covered terraces and projections thereof but excluding steps, uncovered patios and terraces, and the nearest adjacent boundary of the building lot. On public rights-of-way fifty (50) feet or more wide, the front setback shall be measured from the edge of the right-of-way. On public rights-of-way of less than fifty (50) feet or of undetermined width, the front setback shall be measured from a line twenty-five (25) feet away from the centerline of the traveled portion of the roadway.

Shoreline: Land adjacent to the waters of lakes, ponds, reservoirs, rivers and other water courses. Shorelines shall include the land between the mean high water mark and mean low water mark of such surface waters.

Sign: Any structure, display, device or representation which is designed or used to advertise or call attention to or direct a person to any business, event, product, service, organization, person, or place (See Section 4.12).

Site Plan: A plan prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Silviculture: See “ Forestry”.

Solid Waste Management Facility: A place that receives, stores, processes and/or disposes of waste materials such as a recycling center or sanitary landfill as certified by the State [10 V.S.A., Chapter 159].

Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Structure: A combination of materials to form a construction for occupancy, use, or ornamentation whether installed on, above, or below the surface of a parcel of land. Includes, but not limited to, a building, mobile home or trailer, sign, wall or fence (see Section 6.0 (B)).

Structure Height: The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of the roof for flat or mansard roofs, and the average height between eaves and ridges of other roofs (see Section 4.6).

Subdivision: The division of land into two or more lots, parcels, plats, or sites or other divisions of land for the purpose of sale, lease, offer or development, whether immediate or future. The term "subdivision" includes resubdivision involving the adjustment of boundaries between two or more existing parcels.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either a) before the improvement or repair is started or b) if the structure has been damaged and restored, before the damage occurred. For the purpose of administering flood hazard area regulations, this definition excludes the improvement of a structure to comply with existing municipal or state health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the state or National Register of Historic Places. provided that the alteration will not preclude the structure's continued designation as a “historic structure”.

Substantially Completed: The completion of a permitted structure to the extent that it may be safely occupied for its intended use.

Swimming Pool: A structure intended for bathing, swimming or diving, made of concrete, masonry, metal, vinyl or other impervious material, provided with a recirculating or controlled water supply (see Section 3.16).

Telecommunications Facility: A structure that transmits or receives communication signals for commercial, industrial, municipal, county, state or other governmental purposes, to include antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar supporting structures; equipment buildings and parking areas; and other types of accessory development (see Section 3.17).

Temporary Shelter: A facility providing temporary housing for one or more individuals who are primarily indigent, needy, homeless or transient persons.

Transfer of Development Rights: The conveyance of development rights by deed, easement or other legal instrument authorized by local law to another parcel of land and the recording of that conveyance.

Trucking Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailer(s), including tractor and/or trailer unit(s) and other trucks, are parked or stored.

Use: The purpose for which a structure or parcel of land is designed, intended, occupied or used.

Variance: A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure or property which because of unusual or unique circumstances, is denied by the terms of these regulations (see Section 6.2).

Veterinary Hospital: A facility used for the treatment of disease and injuries of animals, surgically or medically.

Warehouse/Wholesale Distribution: A structure in which goods or merchandise (i.e. manufactured products, supplies and equipment) are stored in large quantities as for resale by a retailer.

Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Yard: Space on a lot not occupied by a structure. Minimum yard dimensions are the minimum perpendicular set-back of a structure from a lot line (see Section 4.7).

Zone: See “District”.

APPENDIX A: ZONING MAP